

TOWN OF MALABAR
REGULAR TOWN COUNCIL MEETING
MONDAY MAY 02, 2016 at 7:30 PM
COUNCIL CHAMBERS, 2725 MALABAR ROAD, MALABAR, FLORIDA

AGENDA

- A. **CALL TO ORDER: PRAYER AND PLEDGE**
- B. **ROLL CALL**
- C. **APPROVAL OF AGENDA – ADDITIONS / DELETIONS / CHANGES:**
- D. **APPROVAL OF MINUTES:**
1. **Regular Council Mtg of 4/18/16**
Exhibit: Agenda Report No. 1
Recommendation: Request Approval
- E. **SHERIFF REPORT:**
- F. **ATTORNEY REPORT:** Need to Amend Sign Regulations in Malabar Code; will send out draft
- G. **STAFF REPORTS:**
ADMINISTRATOR:
CLERK:
- H. **PUBLIC COMMENTS:** Comments at this point may address items NOT on the Agenda. Comments related to subsequent Agenda Items may be made as those items come up. Public comments do not require a Council response. (Speaker Card is Required) Five (5) Minute Limit per Speaker.
- I. **PUBLIC HEARINGS/SPECIAL ORDERS:**
< Presentation: Mayor Crews re: 4/26 Storm Water Tour
< Presentation: Mayor Crews re: North end of Rocky Point Road – Status Update
< Recognize TA has successfully completed his probation
< Direct Atty to Amend Chap 2 of Code to add SpringFest Committee as a Standing Committee
- J. **UNFINISHED BUSINESS/GENERAL ORDERS MAY INCLUDE ITEMS DIRECTLY RELATED TO RESIDENTS PRESENT AT MEETING (RECOMMENDATIONS FROM BOARDS, HOA REQUESTS, RESIDENT GRIEVANCES)**
- K. **ACTION ITEMS: ORDINANCES FOR FIRST READING: 0; RESOLUTIONS: 0;**
- MISCELLANEOUS: 2**
2. **Accept 100' of Improved Fins Lane and Certify Costs**
Exhibit: Agenda Report No. 2
Recommendation: Request Action
- COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME
- L. **DISCUSSION/POSSIBLE ACTION:**
3. **Consider Methods for Memorial Tributes Overall and for Mayor Beatty Specifically**
Exhibit: Agenda Report No. 3
Recommendation: Discussion
4. **Repeal all Resolutions Prior to 04-2016 related to Council Procedures**
Exhibit: Agenda Report No. 5
Recommendation: Make Motion
- M. **PUBLIC COMMENTS:** General Items (Speaker Card Required)

N. REPORTS / ITEMS FOR NEXT AGENDA– COUNCIL MEMBERS, MAYOR, STAFF

O. ANNOUNCEMENTS:

- (2) Vacancies on the Board of Adjustment;
- (3) Vacancies on the Park and Recreation Board;
- (1) Vacancy on the Planning & Zoning Board

P. ADJOURNMENT:

If an individual decides to appeal any decision made by this board with respect to any matter considered at this meeting, a verbatim transcript may be required, and the individual may need to insure that a verbatim transcript of the proceedings is made (Florida Statute 286.0105). The Town does not provide this service. In compliance with F.S. 86.26 and the Americans with Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the Town's ADA Coordinator at 321-727-7764 at least 48 hours in advance of this meeting.

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 1
Meeting Date: May 2, 2016

Prepared By: Debby Franklin, C.M.C., Town Clerk/Treasurer

SUBJECT: Approval of Minutes

BACKGROUND/HISTORY:

Attached are the summary minutes for the following meetings:

- Regular Town Council Meeting – 4/18/2016

ATTACHMENTS:

Draft Minutes of the following meeting:

- Regular Town Council Meeting – 4/18/2016

ACTION OPTIONS:

The Town Clerk requests approval of the minutes.

MALABAR TOWN COUNCIL REGULAR MEETING
April 18, 2016 7:30 PM

This meeting of the Malabar Town Council was held at Town Hall at 2725 Malabar Road.

A. CALL TO ORDER:

The meeting was called to order at 7:30 pm by Council Chair Mayor Phil Crews. CM Ball led the prayer and pledge.

B. ROLL CALL:

COUNCIL CHAIR:	Mayor PHIL CREWS
VICE-CHAIR:	BRIAN VAIL, excused
COUNCIL MEMBERS:	GRANT BALL
	DON KRIEGER
	DICK KORN
	RICHARD KOHLER
TOWN ADMINISTRATOR:	DOUGLAS HOYT
TOWN ATTORNEY:	KARL BOHNE
TOWN CLERK/TREASURER:	DEBBY FRANKLIN

For the Record, the Fire Chief Christopher Robinson was not present.

C. APPROVE AGENDA - ADDITIONS/DELETIONS/CHANGES – CM Krieger wanted under Sec J – add the continuation of budget and purchasing (his presentation 4/4/16) or possibly roll it into L, spending. No objections.

D. APPROVE MINUTES – 4/4/16

1. Regular Council Mtg of 4/04/16

Exhibit: Agenda Report No. 1

Recommendation: Request Approval

Discussion: Korn L.5. 2nd para, he was led to believe. Clerk will clarify.

MOTION: CM Krieger / CM Ball to approve RTCM 4/4/16 as clarified. **Vote: All Ayes.**

E. SHERIFF'S REPORT: no one present

F. ATTORNEY REPORT: none

G. STAFF REPORTS: ADMINISTRATOR:

TA briefed Council on 1) after this week he needed time off. 2) back hoe will be returned this week 3) depression on Hall 5) field trip with feds on 26th 6) All Aboard Florida has sent public notice re: their planned high speed rail project. CM Krieger asked if it was copied to Council. Franklin said yes, it was copied out to each Council Member.

CLERK: nothing.

H. PUBLIC COMMENTS: Comments at this point may address items NOT on the Agenda. Comments related to subsequent Agenda Items may be made as those items come up. Public comments do not require a Council response. (Speaker Card is Required) **Five (5) Minute Limit per Speaker.**

Skip Hard – kudos to TA on SW efforts. He then asked for the status of the inventory of all town stuff – TA said they would have that info for the 1st or 2nd mtg in May.

I. PUBLIC HEARINGS/SPECIAL ORDERS:

2. Presentation: SR 514 widening project by Space Coast TPO, FDOT and Atkins Engineering.

Aitkens Engineering Engineer Mr. Lance Decuir introduced those present: Bob Kamm from SCTPO was not able to attend. Vic and Lance from Aitkens went through their powerpoint presentation re: alternative design plans for widening SR514, specifically from Gilmore Street east to Highway 1. Jaslyn from FDOT also responded to questions. Vic reviewed the four alternate proposals and showed them on the overhead.

CM Korn said if you take land from Golf Disc you will shut it down. CM Korn said he has talked to Steve Olson at FDOT in Deland. Look at safety. If you bottle neck it down people will die. We need speed on 514 to be reduced to 45mph. The life of the disc golf park is his big concern.

Wayne Abare, pleased to see the new alternatives. He likes #3. It is not used as much as the disc golf. To go from 4 to 2 to 3 lanes seems like it could be a safety concern. What is criteria to go 4 lanes – it is 22,00 (average daily vehicles) and their own analysis says it will be 23000 avd by 2020. Vic said this is at or near capacity.

Mr. Murdock, Tom and wife, 1490 Marie Street. They are very much in support but are concerned with the bottlenecking if the road designs proposed are chosen. His other concern is the storm water that sits in his big yard. Wants it moving into pipes or storm water ponds. His wife asked about the traffic counts. Lance said some is from people using as a cutoff. Lance said the opening of Palm Bay's I-95 ramp will take some of the traffic off of SR514.

Skip Hard commends these people and asked if this could be made available for the towns website. Vic will also provide their website. Lance said yes, he will provide pdf of powerpoint presentation. Jaslyn said the FDOT traffic study of 328 pages will be available for public review before the PH.

CM Ball said they all have concerns about the bottle necking. But he asked about the FEC high speed railroad; has that been factored in? Wayne Abare said there are scrub jays on public golf courses and questioned why they needed all the alternative designs to avoid using the scrub jay property. He stated the scrub jays don't stay on that property.

Juliana Hirsch. Why is it taking so long to get the intersections improved? She has handout from 2014 that said the intersections have been approved for funding for design through construction at that time. Why hasn't work started? She then asked why they would put forward a design that would create bottlenecks. Mrs. Hirsch stated nothing gets done in Malabar by state. Jaslyn said it won't be "let" for bid until 2019. Ms. Hirsch asked where the money that was there two years ago is now not available until 2019. Where was it spent?

CM Korn, said he contacted Steve Olsen in 2011 / 2012 about taking so long he thought funding would be 2014 or 2015. How etched in stone are these dates. CM Korn said the project was approved to send SR 514 straight along Glatter Road/Township Road to US 1 and over a causeway to beach side. Then that never happened.

Jaslyn said SCTPO wants a vote of Council on their preferred alternative. Chair said they will put it on agenda for action at a future meeting after the residents have also had a chance to review the alternatives on the website. Chair asked if Council had any other questions. CM Krieger said he had not made his comments yet. He said to group to leave it at two lanes with a bike path on one side. He agrees with CM Korn to leave the disc golf park alone.

He was told the improvements would be done at intersections. The Post Office is a leased business. CM Krieger thought the four lane option is out; he would support three lanes if they can

get the property from EELp on north side. He also said that they could simply improve the "fire lane" along the front of the sanctuary to allow multi-use.

Speaker card: Dr. Leedy, 2635 Smith Lane. She thanked Council for addressing the true need of the residents being the intersection improvements. She emphasized that the intersections need improvement now not 18 years from now. People who have no means of transportation must walk between her clinic and hospital with their babies and small children. The real human need that Council is addressing requires first the intersections to be made safe and then SR514.

J. UNFINISHED BUSINESS/GENERAL ORDERS MAY INCLUDE ITEMS DIRECTLY RELATED TO RESIDENTS PRESENT AT MEETING (RECOMMENDATIONS FROM BOARDS, HOA REQUESTS, RESIDENT GRIEVANCES)

K. ACTION ITEMS: ORDINANCES FOR FIRST READING: 0; RESOLUTIONS: 0; MISCELLANEOUS: 1

3. Policy Guidelines for Working with Developers
Exhibit: Agenda Report No. 3
Recommendation: Request Action

Clerk provided a memo from Attorney in package as well as a copy of the procedures staff follows on land use issues showing how the stamp will become part of the review process, not an action to be done after approval.

MOTION: Krieger / Ball to accept 2nd page as procedures. VOTE: All Ayes.

COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME – after next item - consensus

L. DISCUSSION/POSSIBLE ACTION:

4. Amend Code to Require Council approval of expenditures over \$1000.00 not identified in the budget.

Exhibit: Agenda Report No. 4
Recommendation: Discussion

CM Korn asked for this to be brought back. It had been discussed before but Franklin could find no evidence that Council had previously taken any action on this.

Speaker Card: Skip Hard, asked that checks and balances be put into place so there is not runaway spending.

Discussion: CM Korn asked for this under prior TA. He was reviewing bills then. But the purchase or service had already been made. He was uncomfortable with that – we can't *not* pay at that point. We must protect our vendors as well as abide by budget. CM Korn said the current TA does a great job, but we can't guarantee that will happen with the next TA.

CM Ball doesn't like a written procedure. It ties their hands and doesn't allow them to make decisions in a timely manner. If they don't bring unique, unbudgeted, expensive items to Council attention, then it is Council's fault.

CM Krieger said you have 30 days to pay a bill. If the bill reviewer has a question then bring it to the Council.

TA Hoyt said if an extraordinary expenditure comes up he will bring it to Council; used the recent brake job as an example. TA said perhaps he has brought good business practices to this position and they could lay groundwork for policy. The next person may not have the same work style. Chair stated that TA has good background in this area and good practices he has brought with him and suggested allowing TA Hoyt draft something up first. TA Hoyt said he would be glad to do that; bring

an outline on process so next person in this position has guidelines. Chair said that then Council can review that and then start debate from there. Chair asked for consensus – unanimous.

CM Krieger stated this dovetails nicely into what he asked to include in this agenda item. He handed down a flashdrive for a truncated version (attached to minutes) of the last meeting's presentation he had done. He had asked Council to review his presentation from the last meeting. He has proposed that the language in the Code be revised to be consistent regarding dollar thresholds. He is asking if any expenditure exceeding \$10,000.00 be brought before Council for approval. CM Krieger stated that the project on the double D ranch did not go through that. CM Korn stated yes it did. Franklin stated that it was an approved project in the 2014/2015 budget and the 2015/2016 budget and was clearly identified in both budgets. CM Krieger said we spent 36K on a project on private property without an agreement with the land owner. Franklin said the town has been using this private property for town drainage since the 1980's and has done maintenance and pipe and ditch work since then, identified to council in each budget. Also, the invoice came in at 28K for a project estimated by our Engineer at 41K. So the town did not spend 36K on this project. CM Krieger said it didn't matter if it was 12 cents – it was work done on private property. There has to be accountability and he would like the portion of code under Sec 2.01 amended to require such accountability.

MOTION: CM Krieger / CM Korn to accept recommendation made in CM Krieger's handout to amend Sec 2.01 of Code.

TA said wouldn't that be more appropriate after the purchasing plan is presented? Then they can both be sent to Attorney. CM Krieger said do we use 1K, 2K or 10K? CM Korn said it is a continuous council – not a new council. Council consensus to have TA first draft outline for proposed changes for council discussion before sending to Attorney. **Vote: All Ayes.**

M. PUBLIC COMMENTS: General Items (Speaker Card Required)

Speaker Card

N. REPORTS – MAYOR AND COUNCIL MEMBERS

Chair asked for items for next meeting:

TA Hoyt: 5/2/16 will have item on agenda recognizing he has successfully completed probation.

CM Ball – SpringFest was best ever and need to make committee a regular group.

CM Vail – excused

CM Krieger -

CM Korn – Memorial for Mayor Beatty on 5/2/16 agenda and recognizing Hoyts probation. Expand it to include a long range plan. SpringFest was the best ever. Same we as GV. There were some negatives. Ball would like him to attend Thursday's meeting. At 6. He will talk to Deb. Establish in all Boards. CM Ball said the debriefing is the last mtg for 2016 and it should be the first meeting for the 2017 event. CM Korn said it should be a citizen group. CM ball sais taxpayers should not be paying for employees to work. CM Korn is trying to get more people involved. Council is taking a lot of abuse from 4 or 5 people. There is one person rattling his cage about an email he never received. He is getting tired with putting up with this.

CM Kohler – stated that with his current transportation problem, perhaps Council should appoint an alternate bill reviewer. Should it go on next agenda? Chair said not necessary if they can get a motion tonight.

MOTION: CM Korn / CM Kohler to make CM Krieger the alternate bill reviewer. **Vote: All Ayes.**
CM Krieger accepted.

Kohler asked when the next teen council meeting? He would like to attend. We will let him know.

Interim Mayor – add SpringFest Committee to be a standing committee. Put on next agenda.
CM Krieger: - agenda item re: all previous resolutions related to council procedures be revoked – clean up and recommend repeal of all previous resolutions re: council procedures.
CM Krieger: questions for clerk – also put on agenda about population put on for discussion regarding district voting. In the interim, get attorney’s input on the district voting.

CM Korn re: funding for the teen council. He thinks they contribute a lot to our town. Thinks Council to formalize. CM Korn said he suggested the 2nd mtg in May to discuss including how it is funded. Do we want to include this in budget CM Korn said there was nothing done wrong as there is no procedure in place. 2nd mtg in May.

O. ANNOUNCEMENTS:

- (2) Vacancies on the Board of Adjustment;
- (3) Vacancies on the Park and Recreation Board;
- (1) Vacancy on the Planning & Zoning Board

P. ADJOURNMENT:

There being no further business to discuss, Chair stated without objection the meeting is adjourned. The meeting adjourned at 9:55PM.

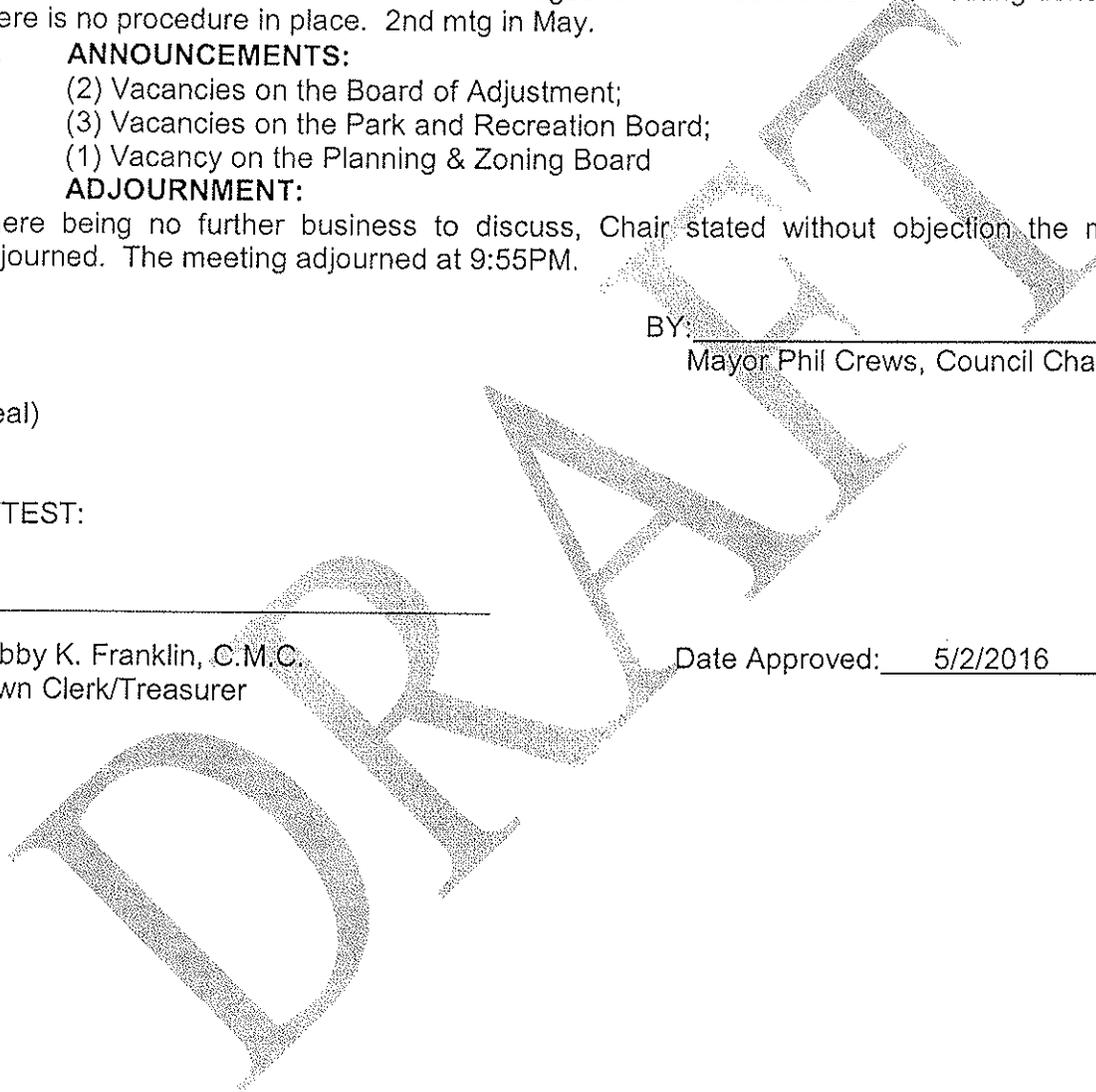
BY: _____
Mayor Phil Crews, Council Chair

(seal)

ATTEST:

Debby K. Franklin, C.M.C.
Town Clerk/Treasurer

Date Approved: 5/2/2016



RTCM 05/02/16

Agenda Item "I" Special Orders

Storm Water Tour on April 26, 2016

Power Point Presentation

2016

Storm Water Projects

April 26 Tour



SW-1

Purpose of Tour

- **Visualization of topography & challenges**
- **Inform government visitors of local issues**
- **Inform town officials and residents of potential projects to reduce flooding and improve water quality of storm water entering the Indian River lagoon.**



Overview of Town Limits

Client Information



James Morris Smith, Jr., PE, PSM LLC
 Florida Board of Professional Engineers CA No. 31119

1754 Barker Street NE - Palm Bay, Florida 32907
 (321) 745-0234 Cell (321) 723-2371 Desk
 morris@morrissmitheng.com

Historic Flow From Natural Creeks 2015 Aerial Photograph

Town of Malabar
 2725 Malabar Road
 Malabar, FL 32950-4427
 (321) 727-7764

Two Potential Projects

UCF Sponsored Corey

- Lead Professor – Martin Wanielista, UCF
- Partnered with Advanced Water Engineering, Inc.
- Services area east of Weber Road to Corey Road
- Removes phosphates & nitrates.
- Absorption technology
- East of Weber Road

FIT Sponsored Weber

- Lead Professor – Thomas Waite, FIT
- Partnered with Ferrate Treatment Technologies, LLC
- Services are west of Weber road to town limits.
- Removes phosphates & nitrates and disinfects.
- Oxidation technology
- West of Weber Road

UCF Corey Road Project



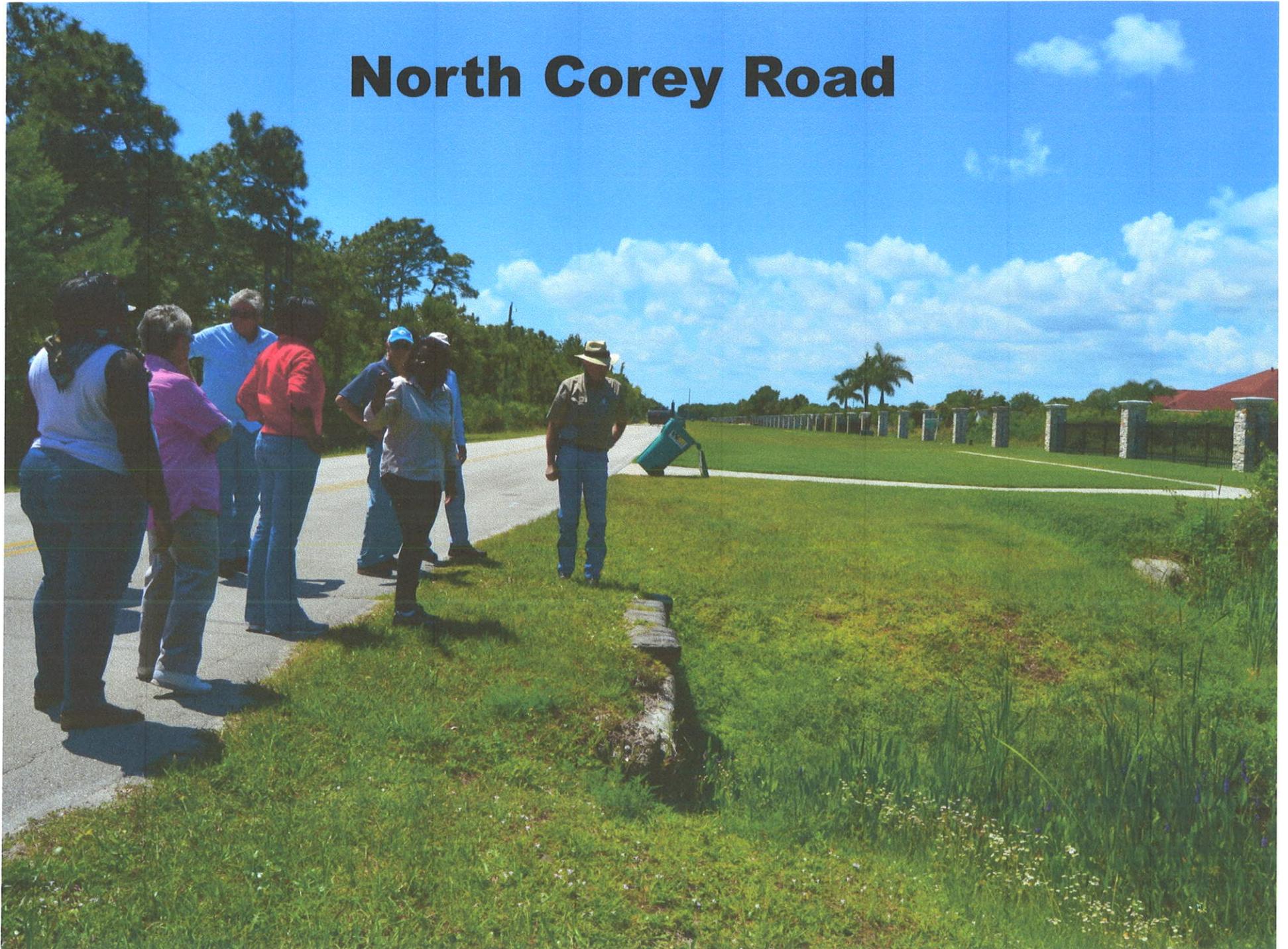
BAM



Some BAM Ingredients

- **Expanded Clay**
- **Peat • Paper/Newspaper**
- **Natural Sandy/Loamy/ Clayey soils**
- **Sawdust (untreated)**
- **Palm Tree Frauds • Zeolite**
- **Tire Crumb • Tire Chips**
- **Activated Carbon • Limestone • Crushed Shells**
- **Wood Fiber/Chips/ • Compost • Coconut**

North Corey Road



Corey Road North



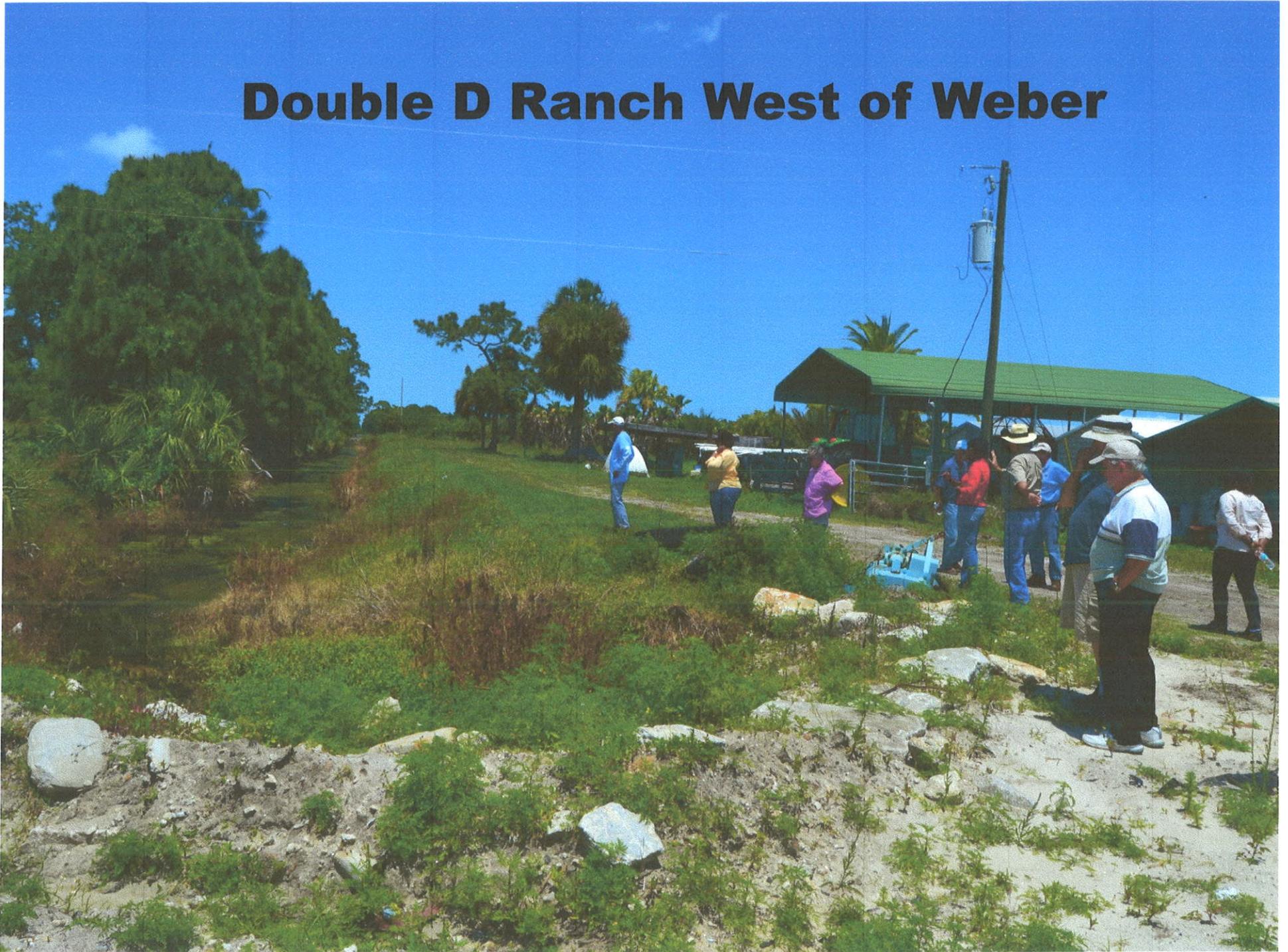
Florida Tech – FTT Project



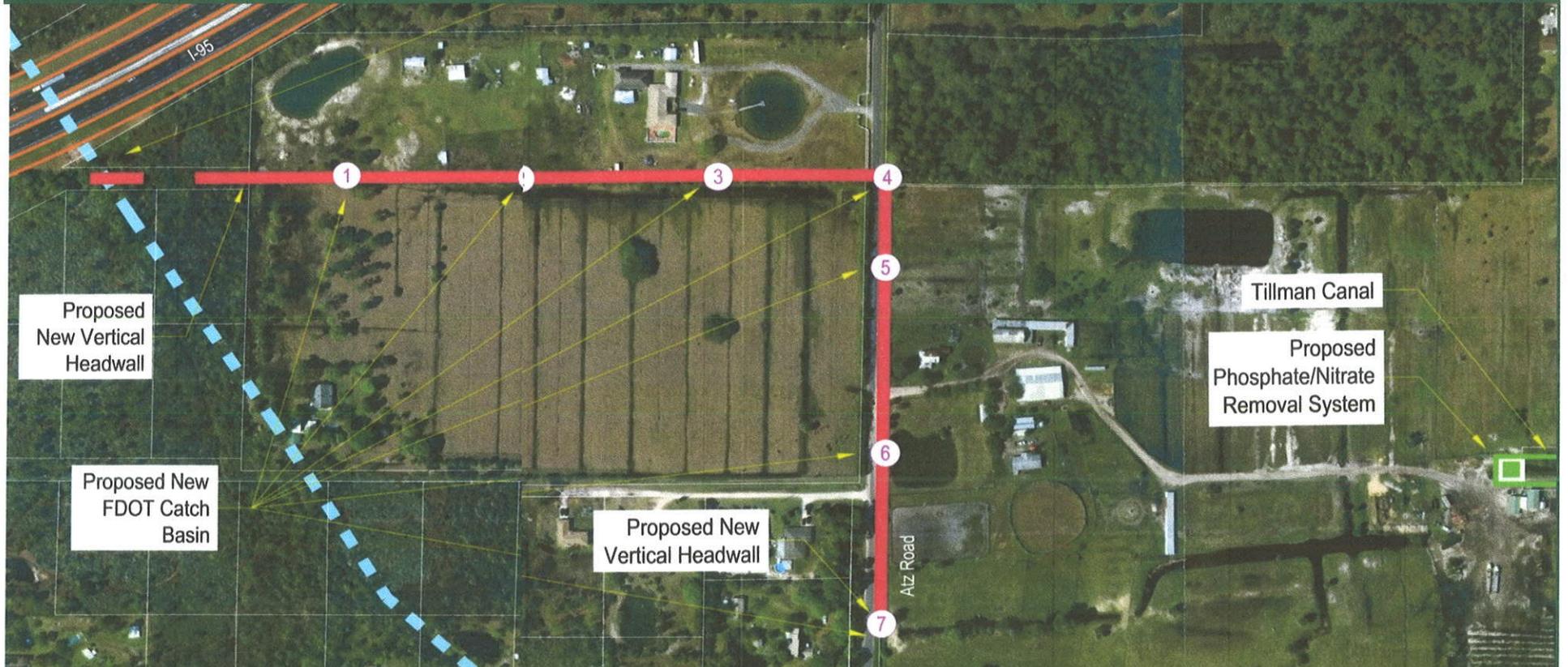
Ferrator

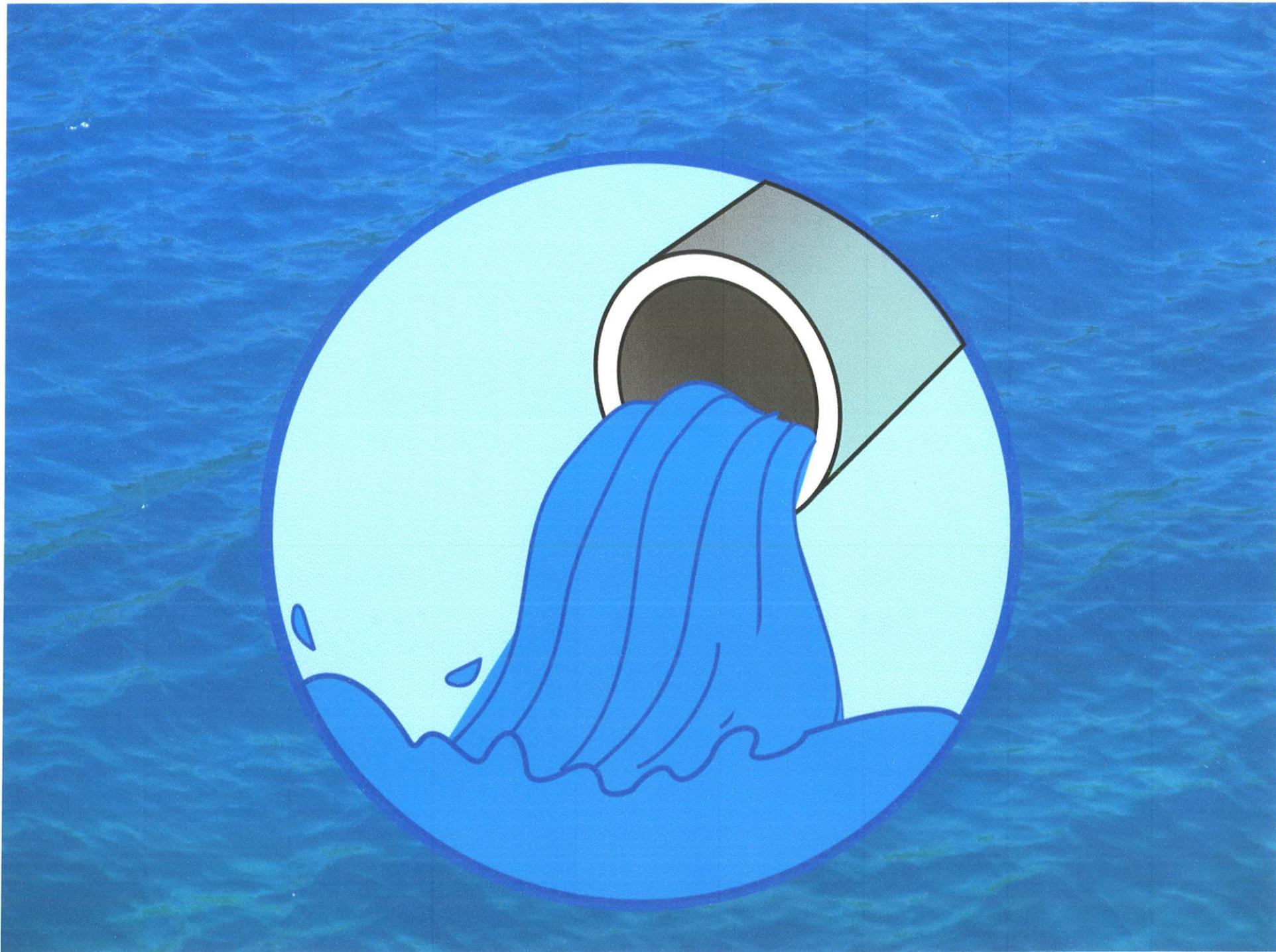
FIT project generates the active ferrate

Double D Ranch West of Weber



West of Weber Road



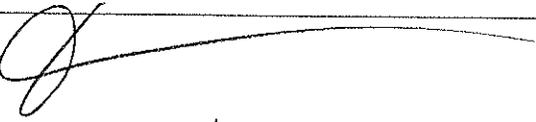
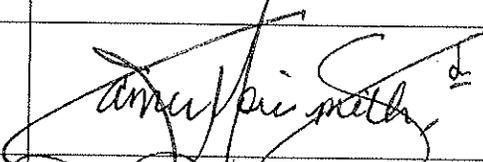
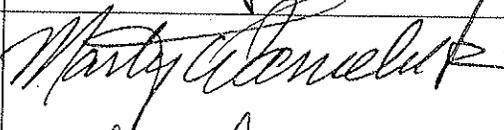
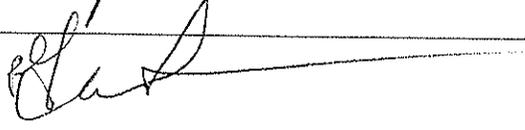


Town of Malabar

2725 Malabar Road

Stormwater Meeting for Town of Malabar

Wednesday 4/26/2016 @ 11:00AM

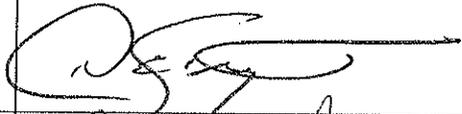
Please print Name/Representing	Email	Phone	Signature
David Silverman Advanced Water Eng'g Inc	dsilver@advanced water.ch	321-777-4404	
Morris Smith, Jr.	morris @ morris smith eng.com	321-745-0234	
Phillip Crews MAYOR	Mayor@TownofMalabar.org	321 725-7760	
MARTY WANIELISTA UCF Professor	Martin.wanielista @ucf.edu	407-823-4144	
Peggy Gustave Office of U.S. Senator Bill Nelson	grants@billnelson.senate.gov	407-812-7161	

Town of Malabar

2725 Malabar Road

Stormwater Meeting for Town of Malabar

Wednesday 4/26/2016 @ 11:00AM

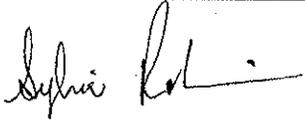
Please print Name/Representing	Email	Phone	Signature
Barbara Arthur Sen. Bill Nelson's office	Barbara_Arthur@billnelson .senate.gov	321-508-3429	
Richard Macheke USDA Gainesville, Fla	Richard.Macheke@FLUSDA .Gov	352/338-3411	
Don KRIEGER MALABAR COUNCIL	CMDIST3@TownofMALABAR.ORG	724-2143	
Catrina Southall USDA Davenport, FL	Catrina.Southall@fl.usda. gov	803-420 4833	
LaTasha Pace USDA Davenport, FL	latasha.thomaspac @fl.usda.gov	863-420-4833 ext. 104	

Town of Malabar

2725 Malabar Road

Stormwater Meeting for Town of Malabar

Wednesday 4/26/2016 @ 11:00AM

Please print Name/Representing	Email	Phone	Signature
Sylvia Robinson USDA Davenport	sylvia.robinson@fl.usda.gov	863-420-4833 ext. 118	
Bud Ryan - PZ Resident			
Skip Hard Resident			
Doug Hoyt Town of Malabar Administrator	dhoyt@townofmalabar.org Host		

RTCM 05/02/16

Agenda Item "I" Special Orders

Mayor's Findings:

**Status of Survey/ownership of Parcel at
North End of Rocky Point Road**

Verbal Report

RTCM 05/02/16

Agenda Item "I" Special Orders

Council Recognition

**Satisfactory Completion of the Probationary Period for
Douglas C. Hoyt in Position of Town Administrator
Since 11/2/15**

Verbal Findings

RTCM 05/02/16

Agenda Item "I" Special Orders

Council Direction to Attorney

**Amend Chapter 2 of Code to provide for SpringFest
Committee as a Standing Committee that serves
year round**

a copy sent to the town. If said summons is issued, both the town and the violator shall be present at the time and date specified within the summons for the purpose of answering the violation set forth within the citation.

(Ord. No. 00-5, § 1, 6-19-00)

ARTICLE VIII. BOARDS, COMMITTEES, COMMISSIONS, ETC.

DIVISION 1. GENERALLY

Sec. 2-211. General procedures for all boards and committees.

Citizen participation is vital to a democratic government. The Town of Malabar recognizes the unique contributions made by volunteers and encourages involvement in the policy-making process through service as an advisory board member. Boards and committees are standing bodies established by town ordinance and appointed by the town council to provide ongoing board/committee recommendations to town council on diverse matters of public concern. Included are zoning, municipal planning, parks and recreation, trails and greenways, public art, historic preservation and building codes. Boards handle a variety of issues within a subject range; committees are delegated to consider, report and take action on specific issues, such as trails and greenways. Ad hoc committees are short term with a limited period and have a particular purpose, such as the taxpayer budget review committee or the SpringFest committee. Ad hoc committees are appointed on an as-needed basis and the committee sunsets once the purpose is served. They do not take a special action by council to terminate.

(a) All appointments, whether regular member appointments, alternate member appointments or appointments to fill any vacancies to any town boards or committees is within the sole and absolute discretion of the town council. Applications for appointment are available in the office of the town clerk and also on the town's website. Completed applications shall be filed with the town clerk. The application shall be given to the respective board or committee for their review and recommendation to the town council. Such board or committee shall rank the applicants in order of preference, including the ranking of any alternates. The town council shall review the recommendation of the respective board or committee and make appointments as the town council desires. Nothing herein is intended to require the town council to accept any recommendation on such appointments from the respective board or committee. All boards and committees shall have five (5) regular members presiding and two (2) alternate members. Both alternates may participate in all discussion but only five (5) members vote. The alternate members shall alternate voting in the absence of a regular board member.

(b) *Requirements for board/committee membership.* Board members should have the expertise necessary to accomplish the board's objectives; a reputation for integrity and community service; interest or experience in the area of board service desired. All boards shall be comprised of Town of Malabar residents who have lived within the town for a minimum of one (1) year immediately preceding their appointment. All members shall also be registered electors of the town. Most boards require financial disclosure; and if appointed to one (1) of

these boards, Section 112.3145, Florida Statutes, requires that you file a Form 1, Limited Financial Disclosure, with the Brevard County Supervisor of Elections within thirty (30) days of your appointment. All appointed members shall also be administered the oath of office by the mayor or presiding officer in the absence of the mayor at the council meeting of their appointment. All board/committee members shall serve without compensation. Any member may be removed from office for cause by the town council upon written charge and public hearing.

(c) The term of service for all board/committee regular and alternate members begins November 1 and ends October 31. The initial term of appointment will be based on the term remaining for that seat. Upon successful reappointment the renewing term for all boards/committees will be three (3) years. If the appointment is to fill a standing vacancy, the term for all boards/committees will be three (3) years. The terms are staggered for continuity as established by resolution.

(d) *Attendance.* Most boards/committees meet monthly with meeting times varying in length according to agenda items to be addressed. A quorum is three (3) members on all boards except the board of adjustment. Regular attendance is required by regular members and alternates. If a board/committee member's (regular or alternate) absences exceed twenty-five percent (25%) of the scheduled meetings in a fiscal year (Oct. 1—Sept. 30) the board secretary shall send memo to clerk. Clerk will place item on next council agenda for action on termination or special exception. A board member is considered absent if not present for at least seventy-five percent (75%) of a scheduled meeting.

(e) *Vacancies.* The board/committee shall find that a vacancy exists upon:

- (1) Receipt of a resignation in writing from one (1) of its members or
- (2) Death, removal or disqualification or
- (3) Absence in excess of twenty-five percent (25%) of scheduled meetings within a fiscal year (Oct. 1—Sept. 30).

Only council can declare the seat vacated.

(f) Each board/committee shall elect its chair and vice-chair from among its members annually at the first meeting in November. The term will begin on the date of appointment and run for one (1) year. The chair shall set the agenda and facilitate the meeting. The vice-chair shall act in the absence of the chair.

(g) *Reappointments.* Board/committee members whose terms are expiring may submit an application for reappointment no later than September 1. The clerk will place the board appointments on the second meeting agenda in October for council action. Once the appointments are made, the members will take their seat at the first meeting in November. Appointees may be administered the oath of office either at the council meeting when they are appointed or at a subsequent council meeting.

(Ord. No. 14-08, § 1, 6-16-14)

Sec. 2-212. Open meetings, public comment and agendas.

All meetings of any advisory board or committee created by the town council to assist in the council's decision-making process, including committee and subcommittee meetings of such boards or committees are declared to be public meetings and open to the public at all times. Open meetings of advisory boards and committees shall be governed by the following standards:

- (1) The minutes of such meetings shall be recorded by a recording secretary who is a member of staff and shall be promptly made available for public inspection.
 - (2) Reasonable notice must be given to the public of the time and place of such meetings. Responsibility for providing such notice is delegated to the staff person assigned to assist the advisory board or committee and act as their secretary.
 - (3) Each advisory body shall allow for public comment at the beginning and end of all meetings.
 - (4) The advisory board/committee chair along with the assigned staff member shall prepare the meeting agenda and any back-up material which shall be made available for inspection during regular business hours prior to each meeting.
 - (5) All boards/committees shall use Robert's Rules as a guide in meeting protocol.
- (Ord. No. 14-08, § 1, 6-16-14)

Sec. 2-213. Ad hoc committees.

From time to time the town council may establish ad hoc committees which are designed to assist the town council in its decision making process on limited topics and issues. Such committees are designed for a limited purpose and duration and can be dissolved or inactivated by the town council at any time. Such committees shall be governed by the provision of this division. Such committees are not quasi-judicial authorities. There are no durational residency requirements for appointments to any ad hoc committee; however, members shall be residents of the town. The town council shall have the sole discretion to determine the number of members and make up of such committees.

(Ord. No. 14-08, § 1, 6-16-14)

Sec. 2-214. Spending authority for boards and committees.

At no time shall any boards or committees, except for the town council, have any authority to independently authorize the expenditure of public funds. The Town council may, from time to time, budget public funds for such boards or committees; however, such board or committee may only advise or recommend to the town council projects or purposes for the expenditure of such funds. The authority to expend any such funds and the purpose of the expenditure rests solely with the town council. The town council may authorize town staff to expend such funds for any project or purpose recommended by such board or committee. Any such expenditure

shall be logged on an expense report. At no time shall expenditures exceed the amount authorized by the town council unless such excess expenditure has been authorized by the town council.

(Ord. No. 14-08, § 1, 6-16-14)

Sec. 2-215. Staff support for boards and committees.

The Town shall provide to every board/committee necessary technical and administrative assistance as follows:

- (1) Preparation and posting of public notices as required by Florida Statute, ensuring that all notices to the public are provided in the same manner as notices regarding meetings of the town council;
- (2) Provision of a meeting room including any necessary audio/visual equipment;
- (3) Preparation and copies of any documentary meeting materials requested by the board to assist in their evaluation and review of subject project;
- (4) Staff research and background on land use issues in front of planning and zoning board are invaluable to board members not familiar with the pertinent laws, ordinances, regulations, policies and practices. Effective staff/board relations are vital to the overall success of planning decisions.
- (5) Attendance of all meetings by staff and consultants as appropriate in order to report on the status of projects and compliance with state and local regulations;
- (6) Retention of all board records, and providing public access to same.

(Ord. No. 14-08, § 1, 6-16-14)

Secs. 2-216—2-220. Reserved.

DIVISION 2. PARKS AND RECREATION BOARD

Sec. 2-221. Establishment and purpose of park and recreation board.

(a) *Establishment and purpose.* The park and recreation board is hereby established and shall consist of five (5) seats and two (2) alternate-seats. The park and recreation board is advisory in nature. Members of the board shall hold no other town office. The affirmative vote of a majority of the regular and alternate board members present and voting (maximum of five (5) votes) shall be necessary for the adoption of any motion.

It is the purpose and intent of the town council to authorize an advisory board to discuss matters relating to the acquisition, development, maintenance, rehabilitation and operations of parks and recreation properties and facilities within the Town of Malabar and forward their

recommendations to the town council for their consideration. The board shall conduct such investigations, studies and hearings which, in the judgment of the board, will aid in effectuating its general purposes.

- (1) *Alternate member duties.* The alternate member of the park and recreation board may attend all meetings of the park and recreation board but shall act only in the absence, disability, abstention from voting or disqualification of a regular member thereof. When an alternate member acts, the minutes of the park and recreation board shall reflect the name of the absent, disabled or disqualified member in whose place and stead the alternate is acting. Alternate members may always participate in board deliberations and debate, but they may make motions and vote only in the absence or voting disqualification of a regular member or the vacancy in a regular member's seat. The alternate members shall alternate acting in the place and stead of a regular voting member.
 - (2) *Absences.* The absence of a member, including the alternate member, per subsection 2-211(d) above.
 - (3) *Vacancies.* Vacancies are defined in subsection 2-211(e) above. Vacancies shall be filled for the unexpired term of any members whose term becomes vacant. The town council shall fill any vacancy within thirty (30) days after the vacancy occurs or as soon thereafter as possible. The board shall recommend an alternate for council consideration to fill the remainder of the term of the regular member. See subsection 2-211(a) above.
- (Ord. No. 06-09, § 3, 7-17-06; Ord. No. 14-08, § 2, 6-16-14)

Editor's note—Ordinance No. 06-09, § 3, adopted July 17, 2006, amended §§ 2-221—2-223 to read as herein set out. Therefore, §§ 2-222, 2-223 have been reserved for future provisions. Formerly, such sections pertained to board created; appointment; terms; qualifications; removal of board members; vacancies; officers of the board and derived from Ord. No. 92-14, §§ 1—3, 12-7-92; Ord. No. 95-1, § 1, 2-6-95; Ord. No. 96-2, § 1, 3-18-96.

Secs. 2-222, 2-223. Reserved.

Sec. 2-224. Meetings of the board.

(a) In the performance of their duties as set forth in this article, the board shall hold at least one regular meeting each month in the Town Hall. Special meetings may be called by the board chairperson upon prior notification.

(b) Minutes shall be kept during all meetings with a copy given to the town administrator and a copy filed in the permanent records file.

(c) Three (3) members in attendance shall constitute a quorum before an official meeting is declared in session.

(Ord. No. 92-14, § 4, 12-7-92)

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 2
Meeting Date: May 02, 2016

Prepared By: Debby K. Franklin, C.M.C., Town Clerk/Treasurer

SUBJECT: Acceptance of 100' of Fins Lane

BACKGROUND/HISTORY:

Mr. and Mrs. Cauldron purchased three parcels at the north end of Fins Lane. They have joined them together and propose to build their home there. They applied for and were granted a variance to improve the right-of-way short of the requirement. The special circumstances considered were that there no parcels north of theirs that would require Fins Lane to access. They also applied for and were granted a right-of-way vacate for the roadway between their adjacent parcels.

The Engineer has reviewed the compaction testing, looked at the As-Built and reviewed the final approval from St. Johns. Based on all of that, the Engineer submitted a memo to Council recommending acceptance of this improved distance.

The costs to improve this roadway up to the point where the vacate begins have been submitted and reviewed by the Engineer and determined to be qualified expenditures. Those amount total 24,382.03 or \$121.91 per linear foot for 200 linear feet of improvement.

FINANCIAL IMPACT: none

ATTACHMENTS:

Memo from Engineer
Costs related to Construction

ACTION OPTIONS:

Request acceptance of 100' of Fins to the terminus.

TOWN OF MALABAR
MEMORANDUM

Date: April 25, 2016
To: Debbie Franklin, Town Clerk
From: Morris Smith, Town Engineer
Ref: Fins Lane Improvements – Recommend of Acceptance

Memo: 16-CE-03
Project No.:
Variance No.:

I have completed my review of the project site as-built data and the St. Johns River Water Management Districts (SJRWMD) approved engineering plans and recommend to the Town that the newly improved section of Fins Lane be approved for acceptance into the Town's street network.

Very Truly Yours,



Fins Lane Extension Expense Sheet



Item	Amount
St John's Water Management	\$1,190.00
Engineering drawing	\$2,000.00
Road Construction Draw 1	\$15,038.40
Road Construction Draw 2	\$3,884.63
Road Survey	\$800.00
Town of Malabar Road Permit	\$1,069.00
Gopher Tortoise Survey	\$400.00
Total	\$24,382.03
Per linear foot	\$243.82

----- Forwarded message -----

From: "Gretchen Kelley" <gkelley@sjrwmd.com>

Date: Mar 9, 2016 4:01 PM

Subject: Fins Lane Road Extension, ERP 100180-2

To: "Federico Calderon" <fedcalderon@gmail.com>

Cc: "Nanette Church" <NChurch@sjrwmd.com>, "Marc Van Heden" <mvanhede@sjrwmd.com>, "Vaheed Teimouri" <vbteimouri@gmail.com>

Good afternoon, Mr. Calderon,

Nanette Church and I are signing off on this. The project is deemed in compliance. We suggest that you transfer the permit to the Town. Attached is the permit transfer form for use. Disregard the enclosures listed at the end of the form. Feel free to call or email me if you have any questions. Let me know if you would like me to send a letter in lieu of this email. Have a nice day –Gretchen

Gretchen R. Kelley, P.E.

Division of Regulatory Services

St. Johns River Water Management District

Palm Bay Service Center

525 Community College Parkway, S.E. • Palm Bay, FL 32909

Office: [\(321\) 676-6602](tel:3216766602)

Email: gkelley@sjrwmd.com

Website: floridaswater.com

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 3
Meeting Date: May 02, 2016

Prepared By: Debby K. Franklin, C.M.C., Town Clerk/Treasurer

SUBJECT: Memorials

BACKGROUND/HISTORY:

CM Korn requested this as a discussion item. He would like discussion on an overall plan on how to handle memorials in general and specifically for Mayor Carl Beatty.

CM Korn got some information on memorial and it was shared out to Council.

Denine has reached out to Doug Proctor at the Palm House. Mr. Proctor offered any of the large Coquina rocks he has on his properties. Many agencies use such rocks and chisel in the area for the memorial plaque mounting.

FINANCIAL IMPACT: none

ATTACHMENTS:

ACTION OPTIONS:

Discussion and Direction to Staff.

From: dickkorn <dickkorn@bellsouth.net>
Sent: Thursday, March 24, 2016 10:15 AM
To: Debby Franklin
Subject: Memorial garden
Attachments: rock.jpg

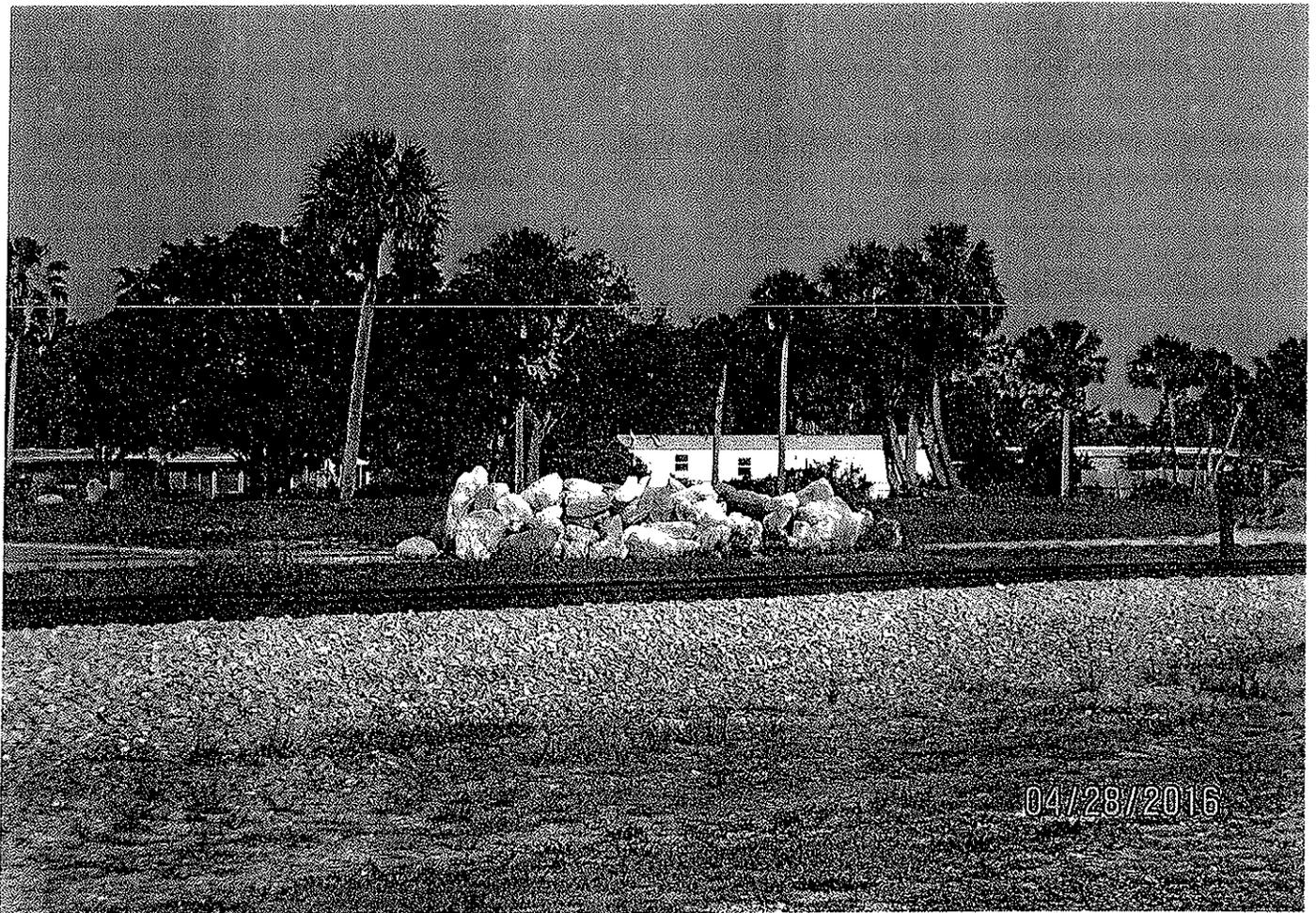
Deb

as coincidence would have it I was just approached by a company asking if I wanted to sell memorial stones and markers for pets The attached picture is of a genuine fake rock (made of concrete) with a blank plaque for putting any memorial message we want on.

I know in the past it has been suggested we designate a specific place in the park for such memorials. Right now I think there is one near a tree near the large pavilion.

Just a thought - these people want \$100 for these and we would have the engraving done locally at an additional cost
Dick Korn Dist 4





**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 4
Meeting Date: May 02, 2016

Prepared By: Debby K. Franklin, C.M.C., Town Clerk/Treasurer

SUBJECT: Repeal / Sunset previous Resolutions dealing with Council Procedures

BACKGROUND/HISTORY:

CM Krieger asked that this housekeeping item be formally taken care of by making one motion to repeal all of the prior resolutions that dealt with council procedures.

FINANCIAL IMPACT: none

ATTACHMENTS:

Current Reso in use --Reso 04-2016

Past resolutions

ACTION OPTIONS:

Motion to repeal Reso07-2014, 30-2013, 11-2012, 104-11, 01-09, 13-2008, 04-2007, 05-97, 20-92, 13-92, 14-88, 3-20-84, 16-75, 19-69 and 2-64.

RESOLUTION 04-2016

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING RESOLUTION 07-2014 RELATING TO COUNCIL PROCEDURES; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council recognized the need for established procedures to facilitate orderly and respectable regular and special Town Council meetings through adoption of various resolutions since 1964; and

WHEREAS the Town Council desires to follow the direction stated in the Town Charter to follow Roberts Rules of Order in setting the order of business. Nothing in this resolution is meant to conflict with the Charter or Roberts Rules; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, that:

SECTION 1. Establishment.

This Resolution hereby establishes the Town Council procedures for both regular and special Town Council meetings.

SECTION 2. Process.

The Town Council, Town Administrator, Town Clerk, all Department Heads, and the public are hereby advised and directed to follow the terms, conditions and provisions of this Resolution as the basis and framework for Town Council Meeting procedures as follows:

SECTION 3. Meetings

Regular meetings of the Malabar Town Council shall be scheduled for the first and third Monday of each month. All meetings shall be called to order at 7:30PM unless alternative times and dates are agreed to by a majority of Council.

- At 10:15PM the Chair shall announce there is only 15 minutes left in meeting (without a vote to extend) and the Chair may reprioritize any remaining agenda items at that time.

- All meetings shall adjourn no later than 10:30 PM unless all members of the Town Council present, vote by unanimous consent to extend the time for adjournment to a time certain. Any agenda items remaining at the time of adjournment shall be carried over to the next regularly scheduled meeting unless, prior to adjournment, the Town Council determines that an item should be placed on the agenda for a special meeting.

The Council may, at any regular meeting, cancel the next scheduled meeting by majority vote if the Charter requirement of at least one meeting a month is met. The Council Chairperson, upon determining that there are no agenda items requiring immediate Council attention may direct the Town Clerk to cancel the regularly scheduled meeting.

SECTION 4. Regular Meetings

- A. **Agenda Order.** Council Chairperson sets the order of business for each meeting in accordance with the Town Charter and Robert's Rules.
- a. Call to order & prayer and pledge – may or may not be rotated among Council per Chair.
 - b. Roll call— Chair requests clerk to call the roll and then announces those members of council excused and declares a quorum.
 - c. Agenda approval - additions, deletions and changes to the agenda – council or mayor, town administrator or clerk may ask that items be added, deleted or moved up or down the agenda.
 - d. Consent agenda – all items not requiring separate discussion may be placed here and approved with one motion and a rollcall vote if there are resolutions on the consent agenda.
 - e. Approval of minutes from previous meeting
 - f. Attorney report
 - g. Sheriff's office report
 - h. Staff reports -
 - i. Board and/or committee reports
 - j. Public comments five minute limit (may not address subsequent agenda items) speaker card required. Speaker's cards will be available by the council chamber door to be utilized by persons desiring to address council on items listed on the agenda. a copy of the speaker's card is attached as exhibit "b" speaker cards are required for all agenda items except public hearings. Speaker cards shall be transmitted to the chairperson of the town council for the purpose of determining the number of speakers for any agenda item and establishing a framework for public comments. Speaker cards must be transmitted to the chairperson prior to the opening of the agenda item specified on the card in order to be valid. The town council may, by majority vote, allow late submittals of speaker's cards. No response is required from council to any public input. Speaker cards will be recognized by agenda item number prior to council taking up the agenda item. Exception: if a member of the public wishes to be recognized after council has taken up an agenda item, any council member may ask the chair to recognize that person. If the chair refuses to recognize the person then it shall be put to a vote of council. Public comments shall be limited to five minutes maximum per person during a regular or special town council meeting. The town council may, by majority vote, extend the five minute limitation. This section applies except in the case of a required public hearing as per state law.
 - k. Public Hearings / Special Orders_
 - l. General Orders / New Business Agenda items directly related to residents present at the meeting: (such as Board recommendations, HOA requests, resident grievances, etc.) Ordinances, Resolutions and miscellaneous items follow. Board members representing their Board's recommendation or appearing at the request of the Mayor or Council Member is not required to submit a Speaker's card in order to address council or respond to council's questions.
Chair may excuse Attorney at this point if there is no objection.
 - m. Presentations – may be moved to front of meeting.
 - n. Proclamations - may be moved to front of meeting.
 - o. discussion items - listing old / unfinished business first then new business
 - p. reports, verbal, by council , mayor
 - q. public comment –any subject –speaker card required
 - r. Adjournment: no further business to propose.

B. Agenda Items

1. The Chair sets the agenda in accordance with Charter and Robert's Rules.
2. Any person may ask a council member or mayor to make a request to the Chair to place one or more items on the agenda by submitting a completed request form attached as Exhibit "A" and related information to the Town Clerk's Office.
3. The normal deadline for submitting agenda items along with all information relating to the items, to the Town Clerk's Office, is noon, ten (10) business days preceding the next regularly scheduled meeting. Staff will have all agenda material prepared and available to Council Members by noon on Wednesday prior to the meeting.
4. No requests for placement on the agenda will be accepted from any candidate or person supporting any candidate for public office which promotes the campaign of any candidate.
5. The Consent Agenda may contain Resolutions, Council minutes, reports or other items that can be approved as a group without necessity for comment and discussion.

C. Absence Procedures

1. If a Council Member or the Mayor intends to be absent from any Council meeting, he or she shall notify a staff Member of the absence and the reason why. Notification of a staff Member shall have the following priority: 1)Town Clerk, 2)Town Administrator, 3) Deputy Clerk. If it is after hours at the Town Hall, the Council Member or Mayor shall leave a message on the answering machine.
2. Communication shall be maintained among staff members so that the Clerk who will be serving at the Council meeting is aware of the absence.
3. Prior to the start of the Council meeting, the Clerk shall check the answering machine and notify the Chair of any absences and the reason why.
4. If a Council Member or the Mayor arrives after roll call, the Chair shall announce that Member's presence and time of arrival. The Clerk shall then change that Member's status from absent to present in the roll and note it in the minutes.
5. If a Council Member or the Mayor leaves before the end of the meeting, the Chair shall announce that Member's departure and the time. The Clerk shall then note it in the minutes and in the votes.

D. Meeting Process

- a. Chair calls meeting to order and directs Prayer & Pledge
- b. Chair announces any Council Member and/or Mayor that is not present and states if they are excused. Chair directs Clerk to call roll.
- c. Chair reads each item on the Consent Agenda. If there is a resolution the Chair reads it by title only and then asks for a supporter to make a motion and then asks for a second. If there is a resolution on Consent Agenda the Chair asks Clerk to do a rollcall, otherwise it is a voice vote.
- d. Council Members (CM) do not have to rise to make a motion but it must be seconded before discussion. Motion should be phrased in such a way that the motion maker agrees/supports the motion. Motion should be phrased using positive words whenever possible. Motion maker may say "so moved" unless motion is not clear.

SECTION 5. Conflict and Repeal.

All resolutions or parts of resolutions in conflict herewith are hereby repealed.

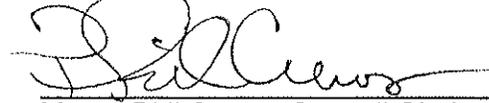
SECTION 6. Effective Date. This Resolution shall take effect immediately upon its adoption. This Resolution was moved for adoption by Council Member

Vail This motion was seconded by Council Member Kohler and being put to vote, the vote was as follows:

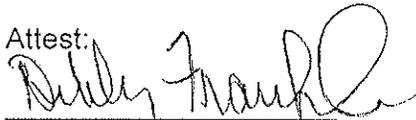
Council Member Grant Ball	Aye
Council Member Brian Vail	Aye
Council Member Don Krieger	Aye
Council Member Dick Korn	Aye
Council Member Richard Kohler	Aye

This Resolution was then declared to be duly passed and adopted this 21st day of March, 2016.

By: TOWN OF MALABAR


Mayor Phil Crews, Council Chair

Attest:


Debby K. Franklin Town
Clerk/Treasurer

(seal)

Approved for form and content by


Karl Bohne, Jr., Town Attorney

EXHIBIT "A"

AGENDA ITEM REQUEST FORM
MALABAR TOWN COUNCIL

Please submit the completed form to the Clerk's Office:

Town of Malabar
2725 Malabar Road
Malabar, Florida 32950

NAME: _____

ADDRESS: _____

TELEPHONE: _____
(Home) (Business)

Please state the item you wish to have placed on the Town Council Agenda: Agenda Request Forms are not permitted for campaign purposes.

Please summarize pertinent information concerning your request Agenda item and attach applicable documents:

Please state desired action by Town Council :

Signed: _____

Date: _____

SPEAKERS CARD (Please Print)

Name: _____
 Street: _____
 Town: _____ State: _____ Zip: _____
 Phone: _____
 Email: _____
 Organization you are representing, if other than self: _____
 Agenda Item: _____
 Subj _____
 Date: _____

Purpose of the Card:

For Accurate Recording in the Minutes - proper spelling of Speaker's Name
 Provides Contact Information for follow-up by staff or elected official
 Efficient Meeting Decorum

Speaking Rules:

Complete Speaker's Card prior to council introduction of item. Use one card per Agenda Item
 Deliver completed card to Town Clerk
 Speaker will have five minutes to address the subject
 An additional minutes may be granted if approved by Chair
 Speakers will be called upon by the Chair.

RESOLUTION 07 -2014

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING RESOLUTION 30-2013 RELATING TO COUNCIL PROCEDURES; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council recognized the need for established procedures to facilitate orderly and respectable regular and special Town Council meetings through adoption of various resolutions since 1964; and

WHEREAS the Town Council desires to expand on the council meeting procedures in Resolution 30- 2013 to improve the handling of Town Council business during meetings; and

WHEREAS, the Town Council recognizes that this Resolution shall act as a guide and provide a framework for Town Council procedures during meetings; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, that:

SECTION 1. Establishment.

This Resolution hereby establishes the Town Council procedures for both regular and special Town Council meetings.

SECTION 2. Process.

The Town Council, Town Administrator, Town Clerk, all Department Heads, and the public are hereby advised and directed to follow the terms, conditions and provisions of this Resolution as the basis and framework for Town Council Meeting procedures as follows:

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Regular meetings of the Malabar Town Council shall be scheduled for the first and third Monday of each month. All meetings shall be called to order at 7:30PM unless alternative times and dates are agreed to by a majority of Council.

- At 10:15PM the Chair shall announce there is only 15 minutes left in meeting (without a vote to extend) and the Chair shall reprioritize any remaining agenda items at that time.
- All meetings shall adjourn no later than 10:30 PM unless all members of the Town Council present, vote to extend the time for adjournment to a time certain. Any agenda items remaining at the time of adjournment shall be carried over to the next regularly scheduled meeting unless, prior to adjournment, the Town Council determines that an item should be placed on the agenda for a special meeting.

The Council may, at any regular meeting, cancel the next scheduled meeting by majority vote if the Charter requirement of at least one meeting a month is met. The Council Chairperson, upon determining that there are no agenda items requiring immediate Council attention may direct the Town Clerk to cancel the regularly scheduled meeting.

SECTION 4. Regular Meetings

Agenda Order. The normal order of the agenda items is as follows and may be reorganized by the Council Chairperson for items directly related to paid staff, for convenience of speakers, or the public.

- A. Call to Order & Prayer and Pledge – may or may not be rotated among Council per Chair.
- B. Roll Call – Chair announces those Members of Council excused and declares a quorum.
- C. Additions, deletions and changes to the agenda – Council or Mayor, Town Administrator or Clerk may ask that item(s) be added, deleted or moved up or down the agenda.
- D. Consent Agenda – all items not requiring separate discussion may be placed here and approved with one motion and a rollcall vote if there are resolutions on the consent agenda.
- E. Public Comments five minute limit (may not address subsequent Agenda Items) Speaker card required. Speaker's Cards will be available by the Council Chamber door to be utilized by persons desiring to address Council on items listed on the agenda. A copy of the Speaker's Card is attached as Exhibit "B" Speaker cards are required for all agenda items except public hearings. Speaker cards shall be transmitted to the Chairperson of the Town Council for the purpose of determining the number of speakers for any agenda item and establishing a framework for public comments. Speaker cards must be transmitted to the Chairperson prior to the opening of the agenda item specified on the card in order to be valid. The Town Council may, by majority vote, allow late submittals of Speaker's Cards. No response is required from Council to any public input. Speaker cards will be recognized by agenda item number prior to Council taking up the agenda item. Exception: If a Member of the public wishes to be recognized after Council has taken up an agenda item, any Council Member may ask the Chair to recognize that person. If the Chair refuses to recognize the person then it shall be put to a vote of Council. Public comments shall be limited to five minutes maximum per person during a regular or special Town Council meeting. The Town Council may, by majority vote, extend the five minute limitation. This section applies except in the case of a required public hearing as per State law.
- F. Attorney Report
- G. Sheriff's Office Report
- H. Public Hearings
- I. Agenda Items directly related to residents present at the meeting:
(such as P&Z recommendations, Park Board recommendations, T & G recommendations, HOA requests, resident grievances, etc.)

Board Members representing their Board's recommendation or appearing at the request of the Mayor or Council Member is not required to submit a Speaker's card in order to address Council or respond to Council's questions.

- J. Action Items – Ordinances for 1st reading, Resolutions, Miscellaneous (listing Urgent or Time-Sensitive first, followed by Old Business, then New Business).
 - The Chair may excuse the Attorney at this point if there is no objection after completion of action items.
- K. Presentations – may be moved to front of meeting.
- L. Proclamations - may be moved to front of meeting.
- M. Staff Reports - may be moved to front of meeting.
- N. Discussion Items - listing Old Business first then New Business
- O. Reports, Verbal, by Council , Mayor
- P. PublicComment–Any Subject–speaker card required

B. Agenda Items

1. The Chair sets / approves the agenda. Any Member of Council or the Mayor may place items on the agenda. Once an item has been placed on the agenda, in accordance with the provisions of this resolution, it may be removed only by the Council Member or Mayor who placed the item on the agenda.
2. Any Malabar resident may place one or more items on the agenda by submitting a completed request form attached as Exhibit "A" and related information to the Town Hall by the noon deadline. Non-residents must contact the Mayor or any Council Member to request they submit the item for them. These items may be rescheduled or pulled from an agenda by a vote of Council.
3. The normal deadline for submitting agenda items along with all information relating to the items, to the Town Clerk's Office, is noon, ten (10) business days preceding the next regularly scheduled meeting. Staff will have all agenda material prepared and available to Council Members by noon on Wednesday prior to the meeting.
4. Any Member of the Council or the Mayor may, during the meeting, immediately after the Roll Call, request that an item be added to the agenda or that an item be moved to a different location on the agenda for convenience of the public. If there is no objection from any Council Member, the Chairperson shall place the item at the appropriate place on the agenda. If any Council Member objects, a majority vote of the Council shall be required to place or move the item on the agenda.
5. No requests for placement on the agenda will be accepted from any candidate or person supporting any candidate for public office which promotes the campaign of any candidate.
6. The Consent Agenda may contain Resolutions, Council minutes, reports or other items that can be approved as a group without necessity for comment and discussion.
 - a. Notwithstanding the foregoing, any item placed on the Consent Agenda shall by request of any Council Member, be removed from the Consent Agenda and placed on the regular agenda immediately after new business, to be discussed and voted on separately by the Town Council.



C. Absence Procedures

1. If a Council Member or the Mayor intends to be absent from any Council meeting, he or she shall notify a staff Member of the absence and the reason why. Notification of a staff Member shall have the following priority: 1)Town Clerk, 2)Town Administrator, 3) Deputy Clerk. If it is after hours at the Town Hall, the Council Member or Mayor shall leave a message on the answering machine.
2. Communication shall be maintained among staff members so that the Clerk who will be serving at the Council meeting is aware of the absence.
3. Prior to the start of the Council meeting, the Clerk shall check the answering machine and notify the Chair of any absences and the reason why.
4. Prior to asking for roll call, the Chair shall announce any absence and the reason why. If there is no objection from any Council Member, the Clerk shall declare that Member excused when calling roll.
5. If an objection is raised by any Council Member, the issue shall be put to a vote prior to rollcall and the Clerk, when calling roll, shall declare that Member excused or unexcused according to the vote.
6. If a Council Member or the Mayor is absent at roll call and has not made notification per (1) above, the Chair prior to asking for roll call shall announce the absence and declare it unexcused. If there is no objection from any Council Member, the Clerk shall declare that Member unexcused when calling roll.
7. If an objection is raised by any Council Member, the issue shall be put to a vote prior to roll call and the Clerk shall declare that Member excused or unexcused according to the vote.
8. If a Council Member or the Mayor arrives after roll call, the Chair shall announce that Member's presence and time of arrival. The Clerk shall then change that Member's status from absent to present in the roll and note it in the minutes.
9. If a Council Member or the Mayor leaves before the end of the meeting, the Chair shall announce that Member's departure and the time. The Clerk shall then note it in the minutes and in the votes.

D. Meeting Process

1. Chair calls meeting to order and directs Prayer & Pledge
2. Chair announces any Council Member and/or Mayor that is not present and states if they are excused. Chair directs Clerk to call roll.
3. Chair reads each item on the Consent Agenda. If there is a resolution the Chair reads it by title only and then asks for a supporter to make a motion and then asks for a second. If there is a resolution on Consent Agenda the Chair asks Clerk to do a rollcall, otherwise it is a voice vote.

4. Council Members (CM) do not have to rise to make a motion but it must be seconded before discussion. Motion should be phrased in such a way that the motion maker agrees/supports the motion. Motion should be phrased using positive words whenever possible. Motion maker may say "so moved" unless motion is not clear.
5. These motions do not require a second: Call for the question, Question of Privilege, Point of Order, Parliamentary Inquiry and Point of Information. Motion maker cannot speak against the motion but he can vote against it. The Chair cannot make a motion without first passing the gavel to the Vice-Chair who will keep the gavel until after the vote on the item. The Chair shall maintain an aura of neutrality and refrain from making motions unless he does pass the gavel.
6. During discussion/debate the Motion maker gets to speak first. CM must be recognized by the Chair before speaking.
7. CM shall address comments to Chair and not engage with fellow CM or members of the audience. The Chair may relax this rule if it will assist the Council in their deliberations. See Sec 4.B. Agenda Items, #6.
8. Chair restates motion and calls for the vote.

SECTION 5. Conflict and Repeal.

All resolutions or parts of resolutions in conflict herewith are hereby repealed.

SECTION 6. Effective Date. This Resolution shall take effect immediately upon its adoption. This Resolution was moved for adoption by Council Member Milucky. This motion was seconded by Council Member Korn and being put to vote, the vote was as follows:

Council Member Jim Milucky	Aye
Council Member Wayne Abare	Aye
Council Member Steve Rivet	Aye
Council Member Dick Korn	Aye
Council Member Marisa Acquaviva	Aye

This Resolution was then declared to be duly passed and adopted this 7th day of April, 2014.

By: TOWN OF MALABAR

Steve Rivet
Steve Rivet, Council Chair

RESOLUTION 30-2013

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING RESOLUTION 11-2012 RELATING TO COUNCIL PROCEDURES; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council recognized the need for established procedures to facilitate orderly and respectable regular and special Town Council meetings through adoption of various resolutions since 1964; and

WHEREAS the Town Council desires to expand on the procedures in Resolution 11-2012 to improve the handling of Town business; and

WHEREAS, the Town Council recognizes that this Resolution shall act as a guide and provide a framework for Town Council procedures; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, that:

SECTION 1. Establishment.

This Resolution hereby establishes the Town Council procedures for both regular and special Town Council meetings.

SECTION 2. Process.

The Town Council, Town Administrator, Town Clerk, all Department Heads, and the public are hereby advised and directed to follow the terms, conditions and provisions of this Resolution as the basis and framework for Town Council procedures as follows:

SECTION 3. Meetings

Regular meetings of the Malabar Town Council shall be scheduled for the first and third Monday of each month. All meetings shall be called to order at 7:30 PM. All meetings shall adjourn no later than 10:30 PM unless all members of the Town Council present, vote to extend the time for adjournment to a time certain. Any agenda item remaining at the time of adjournment shall be carried over to the next regularly scheduled meeting unless, prior to adjournment, the Town Council determines that an item should be placed on the agenda for a special meeting.

The Council may, at any regular meeting, cancel the next scheduled meeting by majority vote if the Charter requirement of at least one meeting a month is met. The Council Chairperson, upon determining that there are no agenda items requiring immediate Council attention may direct the Town Clerk to cancel the regularly scheduled meeting.

SECTION 4. Regular Meetings

A. Agenda Order. The normal order of the agenda items is as follows and may be reorganized by the Council Chairperson for items directly related to paid staff, for convenience of speakers, or the public.

1. Call to Order
2. Prayer and Pledge
3. Roll Call – Chair announces those Members of Council excused and declares a quorum.
4. Additions, deletions and changes to the agenda
5. Consent Agenda – all items not requiring separate discussion may be placed here and approved with one motion and a rollcall vote if there are resolutions on the consent agenda.
6. Public Comments five minute limit (may not address subsequent Agenda Items)
 Speaker card required
 Speaker's Cards will be available by the Council Chamber door to be utilized by persons desiring to address Council on items listed on the agenda. A copy of the Speaker's Card is attached as Exhibit "B" Speaker cards are required for all agenda items except public hearings. Speaker cards shall be transmitted to the Chairperson of the Town Council for the purpose of determining the number of speakers for any agenda item and establishing a framework for public comments. Speaker cards must be transmitted to the Chairperson prior to the opening of the agenda item specified on the card in order to be valid. The Town Council may, by majority vote, allow late submittals of Speaker's Cards. No response is required from Council to any public input. Speaker cards will be recognized by agenda item number prior to Council taking up the agenda item. Exception: If a Member of the public wishes to be recognized after Council has taken up an agenda item, any Council Member may ask the Chair to recognize that person. If the Chair refuses to recognize the person then it shall be put to a vote of Council. Public comments shall be limited to five minutes maximum per person during a regular or special Town Council meeting. The Town Council may, by majority vote, extend the five minute limitation. This section applies except in the case of a required public hearing as per State law.
7. Attorney Report
8. Sheriff's Office Report
9. Public Hearings
10. Agenda Items directly related to residents present at the meeting (such as P&Z recommendations on subdivisions, development plans and land use requests, Park Board recommendations, resident grievances, etc.) Board Member representing their Board's recommendation or appearing at the request of the Mayor or Council Member is not required to submit a Speaker's card in order to address Council or respond to Council's questions.
11. Action Items - listing Urgent or Time-Sensitive first, followed by Old Business, first then New Business.
12. The Chair may excuse the Attorney at this point if there is no objection. may be excused after completion of action items.
13. Presentations
14. Proclamations
15. Staff Reports

16. Discussion Items - listing Old Business first then New Business
17. Reports, Verbal, by Council , Mayor
18. Public Comment – Any Subject – speaker card required

B. Agenda Items

1. The Chair sets/approves the agenda. The Mayor or any Member of the Town Council may place items on the agenda. Once an item has been placed on the agenda, in accordance with the provisions of this resolution, it may be removed only by the Mayor or Council Member who placed the item on the agenda.
2. Any Malabar resident may place one or more items on the agenda by submitting a completed request form attached as Exhibit "A" and related information to the Town Hall by the Wednesday noon deadline. Non-residents must contact the Mayor or any Council Member to request they submit the item for them. These items may be rescheduled or pulled from an agenda by a vote of Council.
3. The normal deadline for submitting agenda items along with all information relating to the items, to the Town Clerk's Office, is noon, ten (10) business days preceding the next regularly scheduled meeting. Staff will have all agenda material prepared and available to Council Members by noon on Wednesday prior to the meeting.
4. The Mayor or any Member of the Council may, during the meeting, immediately after the Prayer and Pledge, request that an item be added to the agenda or that an item be moved to a different location on the agenda for convenience of the public. If there is no objection from any Council Member, the Chairperson shall place the item at the appropriate place on the agenda. If any Council Member objects, a majority vote of the Council shall be required to place or move the item on the agenda.
5. No requests for placement on the agenda will be accepted from any candidate or person supporting any candidate for public office which promotes the campaign of any candidate.
6. The Consent Agenda may contain Resolutions, Council minutes, reports or other items that can be approved as a group without necessity for comment and discussion.
 - a. Notwithstanding the foregoing, any item placed on the Consent Agenda shall by request of any Council Member, be removed from the Consent Agenda and placed on the regular agenda immediately after new business, to be discussed and voted on separately by the Town Council .

C. Absence Procedures

1. If a Council Member or the Mayor intends to be absent from any Council meeting, he or she shall notify a staff Member of the absence and the reason why. Notification of a staff Member shall have the following priority: 1)Town Clerk, 2)Town Administrator, 3) Deputy Town Clerk. If it is after hours at the Town Hall, the Council Member or Mayor shall leave a message on the answering machine.
2. Communication shall be maintained among staff Members so that the Clerk who will be serving at the Council meeting is aware of the absence.
3. Prior to the start of the Council meeting the Clerk shall check the answering machine.
4. Prior to the start of the Council meeting, the Clerk shall notify the Chair of any absences and the reason why.
5. Prior to asking for roll call, the Chair shall announce any absence and the reason why. If there is no objection from any Council Member, the Clerk shall declare that Member excused when calling roll.
6. If an objection is raised by any Council Member, the issue shall be put to a vote prior to roll call and the Clerk, when calling roll, shall declare that Member excused or unexcused according to the vote.
7. If a Council Member or the Mayor is absent at roll call and has not made notification per (1) above, the Chair prior to asking for roll call shall announce the absence and declare it unexcused. If there is no objection from any Council Member, the Clerk shall declare that Member unexcused when calling roll.
8. If an objection is raised by any Council Member, the issue shall be put to a vote prior to roll call and the Clerk shall declare that Member excused or unexcused according to the vote.
9. If a Council Member or the Mayor arrives after roll call, the Chair shall announce that Member's presence and time of arrival. The Clerk shall then change that Member's status from absent to present in the roll and note it in the minutes.
10. If a Council Member or the Mayor leaves before the end of the meeting, the Chair shall announce that Member's departure and the time. The Clerk shall then note it in the minutes and in the votes.

D. Meeting Process

1. Meeting Process.
 - a. Chair calls meeting to order and directs P&P

- b. Chair announces any Council Member/Mayor that is not present and states if they are excused, then directs Clerk to do rollcall
- c. Chair reads each item on the Consent Agenda (CA) and asks for a supporter to make a motion and then asks for a second. If there is a resolution on CA the Chair asks Clerk to do a rollcall, otherwise it is a voice vote.
- d. Council Members (CM) do not have to rise to make a motion but it must be seconded before discussion. Motion should be phrased in such a way that the motion maker agrees/supports the motion. Motion should be phrased using positive words whenever possible. Motion maker may say "so moved" unless motion is not clear.
- e. These motions do not require a second: Question of Privilege, Point of Order, Parliamentary Inquiry and Point of Information. Motion maker cannot then speak against the motion but he can vote against it. The Chair cannot make a motion without first passing the gavel to the Vice-Chair who will keep the gavel until after the vote on the item. The Chair shall maintain an aura of neutrality and refrain from making motions unless he does pass the gavel.
- f. During discussion/debate the Motion maker gets to speak first. CM must be recognized by the Chair before speaking.
- g. CM shall address comments to Chair and not engage with fellow CM or members of the audience. The Chair may relax this rule if it will assist the Council in their deliberations. See Sec 4.A.6.
- h. Chair restates motion and calls for the vote.

SECTION 5. Conflict and Repeal.

All resolutions or parts of resolutions in conflict herewith are hereby repealed.

SECTION 6. Effective Date. This Resolution shall take effect immediately upon its

adoption.

This Resolution was moved for adoption by Council Member Abare. This motion was seconded by Council Member McKnight and, upon being put to vote, the vote was as follows:

Council Member Jim Milucky	Aye
Council Member Wayne Abare	Aye
Council Member Steve Rivet	Aye
Council Member Jeffrey (Jeff) McKnight	Aye

Council Member Marisa Acquaviva

Excused

This Resolution was then declared to be duly passed and adopted this 16th day of September, 2013.

By: TOWN OF MALABAR

Carl A. Beatty
Carl A. Beatty, Mayor

ATTEST:

Debby K. Franklin
Debby K. Franklin
Town Clerk/Treasurer

(seal)

Approved for Legal Sufficiency:

Karl Bohne, Jr.
Karl Bohne, Jr., Town Attorney

RESOLUTION 11-2012

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, CONSOLIDATING RESOLUTIONS 5-97 AND 104-2011, COUNCIL PROCEDURES INTO ONE RESOLUTION; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council recognized the need for established procedures to facilitate orderly and respectable regular and special Town Council meetings when they adopted Resolution 5-97; and

WHEREAS Resolution 5-97 was amended in part by Resolution 1-2009 which was thereafter amended by Resolution 104-2011; and

WHEREAS, The Town Council desires to consolidate the Council procedures into one resolution; and

WHEREAS, the Town Council recognizes that this Resolution shall act as a guide and provide a framework for Town Council procedures; and

WHEREAS, the Town Council recognizes that the procedures may be amended from time to time by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, that:

SECTION 1. Establishment.

This Resolution hereby establishes the Town Council procedures for both regular and special Town Council meetings.

SECTION 2. Process.

The Town Council, the Town Administrator, all Department Heads, and the public are hereby advised and directed to follow the terms, conditions and provisions of this Resolution as the basis and framework for Town Council procedures as follows:

SECTION 3. Meetings

Regular meetings of the Malabar Town Council shall be scheduled for the first and third Monday of each month. All meetings shall be called to order at 7:30 PM. All meetings shall adjourn no later than 10:30 PM unless all members of the Town Council present, vote to extend the time for adjournment to a time certain. Any agenda item remaining at the time of adjournment shall be carried over to the next regularly scheduled meeting unless, prior to adjournment, the Town Council determines that an item should be placed on the agenda for a special meeting.

17. Reports, Verbal, by Council , Mayor
18. Public Comment – Any Subject – speaker card required

B. Agenda Items

1. The Mayor or any Member of the Town Council may place items on the agenda. Once an item has been placed on the agenda, in accordance with the provisions of this resolution, it may be removed only by the Mayor or Council Member who placed the item on the agenda.
2. Any Malabar resident may place one or more items on the agenda by submitting a completed request form attached as Exhibit "A" and related information to the Town Hall by the Wednesday noon deadline. Non-residents must contact the Mayor or any Council Member to request they submit the item for them. These items may be rescheduled or pulled from an agenda by a vote of Council.
3. The normal deadline for submitting agenda items along with all information relating to the items, to the Town Clerk's Office, is noon, ten (10) business days preceding the next regularly scheduled meeting. Staff will have all agenda material prepared and available to Council Members by noon on Wednesday prior to the meeting.
4. The Mayor or any Member of the Council may, during the meeting, immediately after the Prayer and Pledge, request that an item be added to the agenda or that an item be moved to a different location on the agenda for convenience of the public. If there is no objection from any Council Member, the Chairperson shall place the item at the appropriate place on the agenda. If any Council Member objects, a majority vote of the Council shall be required to place or move the item on the agenda.
5. No requests for placement on the agenda will be accepted from any candidate or person supporting any candidate for public office which promotes the campaign of any candidate.
6. The Consent Agenda may contain Resolutions, Council minutes, reports or other items that can be approved as a group without necessity for comment and discussion.
 - a. Notwithstanding the foregoing, any item placed on the Consent Agenda shall by request of any Council Member, be removed from the Consent Agenda and placed on the regular agenda immediately after new business, to be discussed and voted on separately by the Town Council .

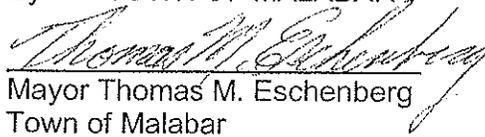
adoption.

This Resolution was moved for adoption by Council Member Rivet.
This motion was seconded by Council Member Acquaviva and, upon being put to
vote, the vote was as follows:

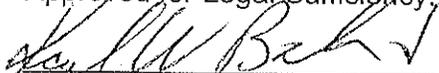
Council Member Carl Beatty	Aye
Council Member David White	Aye
Council Member Steve Rivet	Aye
Council Member Jeffrey (Jeff) McKnight	Aye
Council Member Marisa Acquaviva	Aye

This Resolution was then declared to be duly passed and adopted this 7th day of
May, 2012.

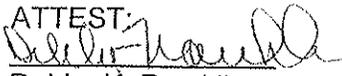
By: TOWN OF MALABAR


 Mayor Thomas M. Eschenberg
 Town of Malabar

Approved for Legal Sufficiency:


 Karl Bohne, Jr., Town Attorney

ATTEST:


 Debby K. Franklin
 Town Clerk/Treasurer

(seal)



RESOLUTION 104-2011

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING RESOLUTION 01-2009, COUNCIL PROCEDURES; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council recognized the need for established procedures to facilitate orderly and respectable regular and special Town Council meetings when they adopted Resolution 5-97; and

WHEREAS, the Town Council recognizes that this Resolution shall act as a guide and provide a framework for Town Council procedures; and

WHEREAS, the Town Council recognizes that the procedures may be amended from time to time by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, that:

SECTION 1. Amendment.

Section 4. of Resolution 01-2009 shall be amended in full as follows:

“Section 4. Regular Meeting Agenda.

A. Agenda Order. The normal order of the agenda items is as follows and may be reorganized by the Council Chairperson for items directly related to paid staff. Speaker's Cards will be available by the Council Chamber door to be utilized by persons desiring to address Council on items listed on the agenda. A copy of the Speaker's Card is attached as Exhibit “B”

1. Call to Order
2. Prayer and Pledge
3. Roll Call
4. Additions, deletions and changes to the agenda
5. Consent Agenda
6. Public – Three Minutes Limit. Comments may not address subsequent Agenda Items – Do require Speaker Cards. Do not require response from Council.
7. Attorney Report
8. Brevard County Sheriff (if present)
9. Public Hearings – do not require a Speaker's Card
10. Agenda Items directly related to residents present at the meeting (such as business tax receipts, P&Z recommendations on subdivisions,

11. Action Items - listing Old Business first then New Business. Speaker's Cards will be recognized by Agenda Item Number prior to Council taking up the Agenda Item.

Recess – Atty excused

12. Presentations
13. Proclamations
14. Staff Reports
15. Discussion Items - listing Old Business first then New Business
16. Reports, Verbal, by Council, Mayor
17. Public Comment - General Three Minutes Limit.– Do require Speaker Cards. Do not require response from Council.
18. Adjourn

B. Agenda Items

1. The Mayor or any member of the Town Council may place items on the agenda. The normal deadline for submitting agenda items along with all information relating to the items, to the Town Clerk's Office, is noon ten (10) business days preceding the next regularly scheduled meeting. Staff will have all agenda material prepared and available to Council Members by noon on Wednesday prior to the meeting.
2. The Mayor or any member of the Council may, during the meeting, immediately after the Prayer and Pledge, request that an item be added to the agenda or that an item be moved to a different location on the agenda for convenience of the public. If there is no objection from any Council Member, the Chairperson shall place the item at the appropriate place on the agenda. If any Council Member objects, a majority vote of the Council shall be required to place or move the item on the agenda.
3. Any Malabar resident may place one or more items on the agenda by submitting a completed request form attached as Exhibit "A" and related information to the Town Hall by the Wednesday noon deadline. Non-residents must contact the Mayor or any Council Member to request they submit the item for them.
4. No requests for placement on the agenda will be accepted from any candidate or person supporting any candidate for public office which promotes the campaign of any candidate.
5. Once an item has been placed on the agenda, in accordance with the provisions of this resolution, it may be removed only by the person who placed the item on the agenda.
6. The Consent Agenda may contain Resolutions, Council minutes, reports or other items that can be approved as a group without necessity for comment and discussion.

- a. Notwithstanding the foregoing, any item placed on the Consent Agenda shall by request of any Council member, be removed from the Consent Agenda and placed on the regular agenda immediately after new business, to be discussed and voted on separately by the Town Council.

SECTION 2. Conflict.

All resolutions or parts of resolutions in conflict herewith are hereby repealed.

SECTION 3. Effective Date.

This Resolution shall take effect immediately upon its adoption.

This Resolution was moved for adoption by Council Member McKnight. The motion was seconded by Council Member White and, upon being put to a vote, the vote was as follows:

Council Member Carl Beatty	<u>Aye</u>
Council Member David White	<u>Aye</u>
Council Member Steven (Steve) Rivet	<u>Excused</u>
Council Member Jeffrey (Jeff) McKnight	<u>Aye</u>
Council Member Marisa Acquaviva	<u>Excused</u>

This Resolution was then declared to be duly passed and adopted this 17th^h day of October, 2011.

TOWN OF MALABAR

By: Thomas M. Eschenberg
 Mayor Thomas M. Eschenberg
 Council Chair

ATTEST:

Debby K. Franklin
 Debby K. Franklin, C.M.C.
 Town Clerk/Treasurer

(seal)

Approved as to Form and Content:
Karl W. Bohn, Jr.
 Karl W. Bohn, Jr., Town Attorney

RESOLUTION 01-2009

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING SECTION 4 OF RESOLUTION 5-97, COUNCIL PROCEDURES; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council recognized the need for established procedures to facilitate orderly and respectable regular and special Town Council meetings when they adopted Resolution 5-97; and

WHEREAS, the Town Council recognizes that this Resolution shall act as a guide and provide a framework for Town Council procedures; and

WHEREAS, the Town Council recognizes that the procedures may be amended from time to time by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, that:

SECTION 1. Amendment.

Section 4. of Resolution 5-97 shall be amended in full as follows:

"Section 4. Regular Meeting Agenda.

A. Agenda Order. The normal order of the agenda items is as follows and may be reorganized by the Council Chairperson for items directly related to paid staff.

Speaker's Cards will be available by the Council Chamber door to be utilized by persons desiring to address Council on items listed on the agenda. A copy of the Speaker's Card is attached as Exhibit "B"

1. Call to Order
2. Prayer and Pledge
3. Additions, deletions and changes to the agenda
4. Consent Agenda
5. Public – Comments may not address subsequent Agenda Items – Do require Speaker Cards. Do not require response from Council.
6. Staff Reports
7. Public Hearings – do not require a Speaker's Card
8. Agenda Items directly related to residents present at the meeting (such as business tax receipts, P&Z recommendations on subdivisions, development plans and land use requests, Park Board recommendations, resident grievances, etc.)

9. Action Items - listing Old Business first then New Business. Speaker's Cards will be recognized by Agenda Item Number prior to Council taking up the Agenda Item.
10. Discussion Items - listing Old Business first then New Business
11. Reports, Verbal, by Council, Mayor
12. Public Comment / Responses to Agenda Items

B. Agenda Items

1. The Mayor or any member of the Town Council may place items on the agenda. The normal deadline for submitting agenda items along with all information relating to the items, to the Town Clerk's Office, is noon ten (10) business days preceding the next regularly scheduled meeting. Staff will have all agenda material prepared and available to Council Members by noon on Wednesday prior to the meeting.
2. The Mayor or any member of the Council may, during the meeting, immediately after the Prayer and Pledge, request that an item be added to the agenda or that an item be moved to a different location on the agenda for convenience of the public. If there is no objection from any Council Member, the Chairperson shall place the item at the appropriate place on the agenda. If any Council Member objects, a majority vote of the Council shall be required to place or move the item on the agenda.
3. Any Malabar resident may place one or more items on the agenda by submitting a completed request form attached as Exhibit "A" and related information to the Town Hall by the Wednesday noon deadline. Non-residents must contact the Mayor or any Council Member to request they submit the item for them.
4. No requests for placement on the agenda will be accepted from any candidate or person supporting any candidate for public office which promotes the campaign of any candidate.
5. Once an item has been placed on the agenda, in accordance with the provisions of this resolution, it may be removed only by the person who placed the item on the agenda.
6. The Consent Agenda may contain Resolutions, Council minutes, reports or other items that can be approved as a group without necessity for comment and discussion.
 - a. Notwithstanding the foregoing, any item placed on the Consent Agenda shall by request of any Council member, be removed from the Consent Agenda and placed on the regular agenda immediately after new business, to be discussed and voted on separately by the Town Council.

SECTION 2. Conflict.

All resolutions or parts of resolutions in conflict herewith are hereby repealed.

SECTION 3. Effective Date.

This Resolution shall take effect immediately upon its adoption.

This Resolution was moved for adoption by Council Member Vail. This motion was seconded by Council Member Rivet and, upon being put to vote, the vote was as follows:

Council Member Nancy Borton	<u>Aye</u>
Council Member Brian Vail	<u>Aye</u>
Council Member Steve Rivet	<u>Aye</u>
Council Member Jeffrey (Jeff) McKnight	<u>Excused</u>
Council Member Patricia D. Dezman	<u>Excused</u>

This Resolution was then declared to be duly passed and adopted this 2nd day of February, 2009.

By: TOWN OF MALABAR

Thomas M. Eschenberg
Mayor Thomas M. Eschenberg
Town of Malabar

Approved for Legal Sufficiency:

Karl W. Bohne, Jr.
Karl Bohne, Jr., Town Attorney

ATTEST:

Debby K. Franklin
Debby K. Franklin
Town Clerk/Treasurer

(seal)

RESOLUTION 13-2008

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING SECTION 4 OF RESOLUTION 5-97, COUNCIL PROCEDURES; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council recognized the need for established procedures to facilitate orderly and respectable regular and special Town Council meetings when they adopted Resolution 5-97; and

WHEREAS, the Town Council recognizes that this Resolution shall act as a guide and provide a framework for Town Council procedures; and

WHEREAS, the Town Council recognizes that the procedures may be amended from time to time by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, that:

SECTION 1. Amendment.

Section 4. of Resolution 5-97 shall be amended in full as follows:

"Section 4. Regular Meeting Agenda.

A. Agenda Order. The normal order of the agenda items is as follows and may be reorganized by the Council Chairperson for items directly related to paid staff.

Speaker's Cards will be available by the Council Chamber door to be utilized by persons desiring to address Council on items listed on the agenda. A copy of the Speaker's Card is attached as Exhibit "B"

1. Call to Order
2. Prayer and Pledge
3. Additions, deletions and changes to the agenda
4. Consent Agenda
5. Staff Reports
6. Public Hearings – do not require a Speaker's Card
7. Items directly related to residents present at the meeting
(such as business tax receipts, P&Z recommendations on subdivisions, development plans and land use requests, Park Board recommendations, resident grievances, etc.)
8. Action Items
(listing Old Business first then New Business)

9. Discussion Items
(listing Old Business first then New Business)
10. Mayor, Council verbal reports
11. General public comment

B. Agenda Items

1. The Mayor or any member of the Town Council may place items on the agenda. The normal deadline for submitting agenda items along with all information relating to the items, to the Town Clerk's Office, is noon on the Wednesday ten (10) days preceding the next regularly scheduled meeting. Staff will have all agenda material prepared and available to Council Members by noon on Wednesday prior to the meeting.
2. The Mayor or any member of the Council may, during the meeting, immediately after the Prayer and Pledge, request that an item be added to the agenda or that an item be moved to a different location on the agenda for convenience of the public. If there is no objection from any Council Member, the Chairperson shall place the item at the appropriate place on the agenda. If any Council Member objects, a majority vote of the Council shall be required to place or move the item on the agenda.
3. Any Malabar resident may place one or more items on the agenda by submitting a completed request form attached as Exhibit "A" and related information to the Town Hall by the Wednesday noon deadline. Non-residents must contact the Mayor or any Council Member to request they submit the item for them.
4. No requests for placement on the agenda will be accepted from any candidate or person supporting any candidate for public office which promotes the campaign of any candidate.
5. Once an item has been placed on the agenda, in accordance with the provisions of this resolution, it may be removed only by the person who placed the item on the agenda.
6. The Consent Agenda may contain Resolutions, Council minutes, reports or other items that can be approved as a group without necessity for comment and discussion.

Notwithstanding the foregoing, any item placed on the Consent Agenda shall by request of any Council member, be removed from the Consent Agenda and placed on the regular agenda immediately after new business, to be discussed and voted on separately by the Town Council.

SECTION 2. Conflict.

All resolutions or parts of resolutions in conflict herewith are hereby repealed.

]]

SECTION 3. Effective Date. This Resolution shall take effect immediately upon its adoption.

This Resolution was moved for adoption by Council Member Vail. This motion was seconded by Council Member Borton and, upon being put to vote, the vote was as follows:

Council Member Nancy Borton	<u>Aye</u>
Council Member Brian Vail	<u>Aye</u>
Council Member Charles (Chuck) McClelland	<u>Aye</u>
Council Member Jeffrey (Jeff) McKnight	<u>Aye</u>
Council Member Patricia D. Dezman	<u>Nay</u>

This Resolution was then declared to be duly passed and adopted this 17^h day of March, 2008.

By: TOWN OF MALABAR

Thomas Eschenberg
Mayor Thomas M. Eschenberg
Town of Malabar

Approved for Legal Sufficiency:

Karl Bohne
Karl Bohne, Jr., Town Attorney

ATTEST:

Debby K. Franklin
Debby K. Franklin
Town Clerk/Treasurer

(seal)

RESOLUTION 04-2007

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING SECTION 4 OF RESOLUTION 5-97, COUNCIL PROCEDURES; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN OF MALABAR OF BREVARD COUNTY, FLORIDA that;

SECTION 1. Amendment.

Section 4 of resolution 5-97 shall be amended in full as follows:

"Section 4. Regular Meeting Agenda.

A. **Agenda Order.** The normal order of the agenda items is as follows and may be reorganized by the Council Chairperson for items directly related to paid staff:

1. Call to order
2. Prayer and Pledge
3. Additions, deletions and changes to the agenda
4. Consent agenda
5. Staff reports
6. Public hearings
7. Items directly related to residents present at meeting
(such as occupational licenses, P&Z recommendations on subdivisions, resident grievances, etc.)
8. Action items
(listing Old Business first then New Business)
9. Discussion items
(listing Old Business first then New Business)
10. Mayor, Council verbal reports
11. General public comment"

SECTION 4. Conflict.

All resolutions or parts of resolutions in conflict herewith are hereby repealed.

SECTION 5. Effective Date.

This Resolution shall take effect immediately upon passage.

This Resolution was moved for adoption by Council Member McClelland. The motion was seconded by Council Member Dezman and, upon being put to a vote, the vote was as follows:

Council member Nancy Borton	<u>Aye</u>
Council member Brian Vail	<u>Aye</u>
Council member Chuck McClelland	<u>Aye</u>
Council member Bobbi Moccia	<u>Aye</u>
Council member Pat Dezman	<u>Aye</u>

This Resolution was then declared to be duly passed and adopted this 5th day of February, 2007.

TOWN OF MALABAR

By:

Thomas M. Eschenberg

Mayor Thomas M. Eschenberg, Chair

ATTEST:

Susan Kabana

Susan Kabana, CMC
Town Clerk/Treasurer

RESOLUTION NO. 5-97

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, ESTABLISHING AND PROVIDING FOR PROCEDURES INCIDENT TO THE HANDLING OF REGULAR AND SPECIAL TOWN COUNCIL MEETINGS IN THE TOWN OF MALABAR; PROVIDING FOR MEETING TIME AND DAY AND TIME OF ADJOURNMENT; PROVIDING FOR EXTENSION OF ADJOURNMENT TIME; PROVIDING A METHOD TO CANCEL MEETINGS; PROVIDING A FORMAT FOR A REGULAR MEETING AGENDA; PROVIDING METHODS TO PLACE ITEMS ON THE AGENDA; PROVIDING FOR CHANGES TO THE AGENDA; PROVIDING FOR THE CREATION AND ADOPTION OF THE CONSENT AGENDA TO BE USED DURING REGULAR TOWN COUNCIL MEETINGS; PROVIDING FOR REGULATIONS GOVERNING PERSONS SEEKING AN OPPORTUNITY TO SPEAK DURING THE COURSE OF EITHER A REGULAR OR SPECIAL TOWN COUNCIL MEETING; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council recognizes and acknowledges the need and requirement for established procedures to be implemented in order to facilitate orderly and respectable regular and special Town Council meetings; and

WHEREAS, The Town Council desires to define its procedures in a single document that will allow interested parties to more easily understand Council procedures and which may be revised from time to time in response to changing circumstances; and

WHEREAS, there currently exists no basis or predicate for procedures in the Code of Ordinances of the Town of Malabar and Resolutions previously adopted for the purposes of establishing procedures for this Town Council are lacking in scope and may be in conflict with current Council actions; and

WHEREAS, this Town Council Resolution shall act as a guide and framework for Town Council procedures from and after the effective date of this Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, FLORIDA, THAT:

Section 1. This Resolution hereby establishes the Town Council procedures for both regular and special Town Council meetings.

Section 2. The Town Council, the Town Administrator, all Department Heads, and the public are hereby advised and directed to follow the terms, conditions and provisions of this Resolution as the basis and framework for Town Council procedures as follows:

Section 3. Meetings.

Regular meetings of the Malabar Town Council shall be scheduled for the first and third Monday of each month. All meetings shall be called to order at 7:30 PM. All meetings shall adjourn no later than 10:30 PM unless all members of the Town Council present, vote to extend the time for adjournment to a time certain. Any agenda item remaining at the time of adjournment shall be carried over to the next regularly scheduled meeting unless, prior to adjournment, the Town Council determines that an item should be placed

on the agenda for a special meeting. The Council may, at any regular meeting, cancel the next scheduled meeting by majority vote if the charter requirement of at least one meeting a month is met. No sooner than noon on Wednesday prior to the next scheduled regular meeting, the Council Chairperson, upon determining that there are no agenda items requiring immediate Council attention may direct the Town Clerk to cancel the regularly scheduled meeting.

Section 4. Regular Meeting Agenda.

A. Agenda Order. The normal order of agenda items is as follows:

1. Call to order
2. Prayer and Pledge
3. Additions, deletions and changes to agenda
4. Consent agenda
5. Staff reports
6. Items requiring public hearing
7. Items directly related to residents present at meeting
(such as occupational licenses, P&Z recommendations on subdivisions, resident grievances, etc.)
8. Old business
9. New business
10. Mayor, Council verbal reports
11. General public comment

B. Agenda Items.

The Mayor or any member of the Town Council may place items on the agenda. The normal deadline for submitting agenda items along with all information relating to the items, to the Town Clerk's Office, is noon on Wednesday preceding the next regularly scheduled meeting. Staff will have all agenda material prepared and available to Council Members by noon on Friday prior to the meeting. The Mayor or any member of the Council may, during the meeting, immediately after the Prayer and Pledge, request that an item be added to the agenda or that an item be moved to a different location on the agenda for convenience of the public. If there is no objection from any Council Member, the Chairperson shall place the item at the appropriate place on the agenda. If any Council Member objects, a majority vote of the Council shall be required to place or move the item on the agenda.

Any Malabar resident may place one or more items on the agenda by submitting a completed request form and related information to the Town Hall by the Wednesday noon deadline. Non-residents must contact the Mayor or any Council Member to request they submit the item for them.

Once an item has been placed on the agenda, in accordance with the provisions of this resolution, it may be removed only by the person who placed the item on the agenda.

The Consent Agenda may contain Resolutions, Council minutes, reports or other items that can be approved as a group without necessity for comment and discussion. Notwithstanding the foregoing, any item placed on the Consent Agenda shall by request of any Council member, be removed from the Consent Agenda and placed on the regular agenda immediately after new business, to be discussed and voted on separately by the Town Council.

Section 5. Public Comments.

Members of the public who wish to speak to any agenda item at a regular or special Town Council meeting, shall fill out a speaker's card indicating the agenda item they wish to speak to. The cards shall be made available to the public prior to the commencement of the Town Council meeting. Members of the public who wish to speak on topics contained on the agenda shall sign their complete names and addresses for the purpose of compliance with the Public Records Law of the State of Florida. Speaker cards shall be transmitted to the Chairperson of the Town Council for the purpose of determining the number of speakers for any agenda item and establishing a framework for public comments. Speaker cards must be transmitted to the Chairperson prior to the opening of the agenda item specified on the card in order to be valid. Speaker cards turned in late may be accepted at the Chairperson's discretion. Public comments shall be limited to five minutes maximum per person during a regular or special Town Council meeting. The Town Council may, by majority vote, extend the five minute limitation.

This section applies except in the case of a required Public Hearing as per State law.

Section 6. Severability.

If any clause, section, or other part of this Resolution shall be held by any Court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Resolution.

Section 7. Conflicts.

Resolutions 2-64, 19-69, 16-75, 3-20-84, 14-88, 13-92 and 20-92 are hereby repealed. All other Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 8. Effective Date.

This Resolution shall become effective upon its passage and adoption.

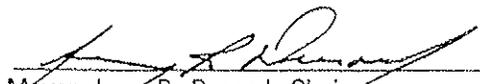
This Resolution was moved for adoption by Councilmember Eschenberg.

The motion was seconded by Councilmember Detwiler and, upon being put to a vote, the vote was as follows:

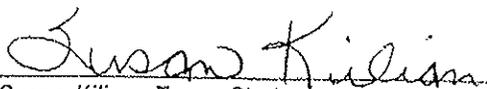
Councilmember Cheryl Morey	<u>not present</u>
Councilmember Julane Kikla	<u>Aye</u>
Councilmember John Detwiler	<u>Aye</u>
Councilmember Thomas Eschenberg	<u>Aye</u>
Councilmember Henry Dekker	<u>Aye</u>

This Resolution was then declared to be duly passed and adopted this 5th day of May, 1997.

TOWN OF MALABAR

By: 
Mayor Jerry R. Durand, Chairman

ATTEST:


Susan Kilian, Town Clerk

5-05-97
Date

RESOLUTION NO. 14-88

*Repealed
5/5/97
RES 05-97*

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO THE SCHEDULING OF COUNCIL MEETINGS, PROVIDING FOR A CALL TO ORDER AND ADJOURNMENT FOR ALL REGULAR AND SPECIAL MEETINGS OF THE TOWN COUNCIL; PROVIDING FOR THE DISPOSITION OF UNFINISHED BUSINESS REMAINING AT THE TIME OF ADJOURNMENT; PROVIDING FOR REPEAL OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council desires to provide for the orderly and efficient conduct of its business; and

WHEREAS, thorough discussion of issues can best be accomplished when all parties concerned are free of fatigue; and

WHEREAS, an evening meeting in excess of three (3) hours duration tends to promote fatigue and reduce communication.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. SCHEDULE FOR MEETINGS. All regular and special meetings of the Town Council shall be called to order at 7:30 o'clock, p.m., or as may be from time to time determined. All meetings shall adjourn no later than 10:30 o'clock, p.m., unless all members of the Town Council present vote to extend the time for adjournment to a time certain. For the purposes of such extension, the Mayor shall have the same voting rights as all other members of the Town Council.

SECTION 2. UNFINISHED BUSINESS. Any agenda item remaining at the time of adjournment shall be carried over to the next regularly scheduled meeting of the Town Council unless, prior to adjournment, the Town Council determines that such item should be placed on the agenda for a special meeting of the Town Council.

SECTION 3. CONFLICT. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

SECTION 4. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

Repealed
5/5/97
Reso 5-97

RESOLUTION 20-92

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, ESTABLISHING A POLICY FOR TOWN COUNCIL AGENDA PREPARATION; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Malabar is a municipality organized under the laws of the State of Florida; and

WHEREAS, the Town Council of the Town of Malabar, in accordance with the Town Charter, must conduct two Council Meetings per month; and

WHEREAS, agendas must be provided in order to conduct these meetings and such agendas must be posted in a timely manner; and

WHEREAS, staff must have ample time to prepare.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA THAT:

SECTION 1.

A: Cutoff for all Agenda items and supporting documents is 4:30 p.m. the Monday prior to the meeting.

B: Should the Monday be a legal holiday, items will be taken until 4:30 on Tuesday.

C: Citizens wishing to address Council on a specific subject must present a brief outline of subject for discussion by the above dateline.

D: Staff will have all agenda material prepared and available to Council Members by 9 a.m. on Friday prior to the meeting.

SECTION 2. All resolutions or parts of resolutions in conflict herewith are immediately repealed.

Resolution 20-92

This Resolution was moved for adoption by Councilmember
 THERIAULT , and seconded by
Councilmember KELVINGTON , and being put to a vote, the
vote was as follows: .

J. Hagan ABSENT

D. Finberg Aye

J. Kelvington Aye

S. Theriault Aye

D. Kicinski Aye

This Resolution was duly passed and adopted by the Town
Council of the Town of Malabar, Brevard County, Florida, at
is regular meeting held on the 14th day of OCTOBER 1992.

 Deborah Kicinski
Deborah Kicinski, Chairwoman

ATTEST:

 Rosalie Lasky
Rosalie Lasky, Clerk/Treasurer
Town of Malabar

RESOLUTION 13-92

Repealed
5/5/97
RESO 5-97

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, DESIGNATING MEETING DAYS FOR REGULAR TOWN COUNCIL MEETINGS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Malabar, Brevard County, Florida is required by Charter to conduct a minimum of two regular meetings per month, and

WHEREAS, the required meetings have been held on the First and Third Tuesdays of the month, and

WHEREAS, this meeting night has created a hardship for certain Council member (s),

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. A regular Town Council meetings shall be held on the First and Third Monday of each month.

SECTION 2. This Resolution shall take effect October 1, 1992.

This Resolution was duly passed and adopted by the Town Council of the Town of Malabar, Brevard County, Florida, at its regular meeting held on the 15th day of September 1992.

Deborah Kicinski
Deborah Kicinski, Chairwoman

Jerry R. Durand
Jerry Durand, Mayor

ATTEST:

Rosalie Lasky
Rosalie Lasky, Clerk/Treasurer
Town of Malabar

3-20-84

RESOLUTION

*Repeated
5/5/97
Reso 5-97*

95

WHEREAS, members of the Council of the Town of Malabar are desirous of defining their day to day duties and responsibilities, as well as the duties of the Mayor and Town Clerk and other personnel; and

WHEREAS, the members of the Council are desirous to define the procedure for the transmittal of the policies of the Town of Malabar to third parties, other entities and the public.

BE IT HEREBY RESOLVED THAT:

1. The Town Council shall elect a chairman of that body who shall srve for one (1) year after his election. The election shall be held at the first meeting following the general election as outlined in the Town ordinances.

2. The past and present government of the Town of Malabar is that of a strong council type in that the will of a majority of the Town Council represents the legislative will of the Town Council and that of the Town of Malabar through the vehicles of resolution, motion and ordinance.

3. The legislative will of the Town Council will be transmitted to all outside parties, entities or agencies by the Chairman of the Town Council unless otherwise authorized by the Town Council in the particular Resolution, Motion or Ordinance, or delegated by the Chairman of the Council.

4. The further duties and responsibilities of the members of the Town Council, the Mayor, the Town Clerk and other persons are as follows:

a) Chairman: The Chairman is the head of the Town Council

of the Town of Malabar and, as such, is the official spokesman for the Town and its policy unless he expressly delegates his power to another or such power is authorized and delegated to another by the Town Council. ~~To ascertain the will of the Council, the Chairman of the Council may conduct a telephone poll.~~

*open
minutes
of
Council
minutes
2/3/86
ajl*

b) Vice Chairman: The Vice Chairman will service in the capacity of the Chairman in such cases when the Chairman is unable physically to so serve, or at the request of the Chairman or Town Council.

c) Mayor: The Mayor is the titular or ceremonial head of the Town of Malabar and will so officiate and serve at all town functions and will administer the day-to-day business of the Town of Malabar by enacting the will of the Council as directed by the Chairman of the Council or such other individual as the Chairman or Town Council shall delegate.

d) Office of Clerk: The Office of the Clerk can make no policy statements concerning the Town of Malabar nor can any clerk interpret officially any of the ordinances or resolutions of the Town, nor can any clerk issue opinions to any citizen concerning any applications from that citizen before any town body or official. The Clerk can provide copies of the ordinances or other relevant documents per request. The Office of the Clerk is comprised of a Town Clerk and Deputy Clerk. The Town Clerk is appointed by the Town Council and will direct the activities of the Deputy Clerk. Both Clerks are responsible to the Town Council and will accept no direction of duties except as provided herein.

e) Building Inspector: The Building Inspector is appointed pursuant to the ordinances of the Town. He is responsible to the Town Council and will accept direction concerning the implementation of his duties as provided herein. He is independent of the Town Council insofar as his professional judgment is concerned, but may be called upon to justify and/or explain any of his findings.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, THIS 20 DAY OF March 1984, 1984.

William Redman
MAYOR

Ernest O. Hunt
CHAIRMAN, TOWN COUNCIL

(Seal)

Attest:

Carole Thomas
TOWN CLERK

RESOLUTION 16-75

Repeated 5/5/97
Res 5-97 34

A RESOLUTION OF THE TOWN OF MALABAR, FLORIDA TO ASSIGN SEAT NUMBERS TO THE MAYOR AND TOWN COUNCIL MEMBERS OF THE TOWN OF MALABAR.

WHEREAS, the Town of Malabar has a Town Council of five members and a Mayor, duly elected for two year terms, and

WHEREAS, the Town of Malabar wishes to number the above six seats to correspond with the years of expiration of the terms,

NOW THEREFORE BE IT HEREBY RESOLVED

That the present Council members and Mayor of the Town of Malabar, Florida are assigned seat numbers as follows, to wit:

- Seat Number 1-John R. Todd, Mayor
- Seat Number 2-William J. Radencic, Chairman of the Council
- Seat Number 3-Maxine B. Fisher, Councilwoman
- Seat Number 4-Archie S. Richards, Councilman
- Seat Number 5-Getrude S. Murphy, Councilwoman
- Seat Number 6-Leroy Padgett, Councilman

This Resolution was duly PASSED this _____ day of _____, 1975 at a Regular meeting of the Malabar Town Council, Malabar, Florida.

TOWN OF MALABAR
By:

Chairman of the Council

ATTEST:

(Seal) _____
Town Clerk

By: _____
Mayor

RESOLUTION NO. 19-69

*Repeated
5/5/97
Reso 5-97*

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, FLORIDA:

WHEREAS, the Town Council of the Town of Malabar, Florida deems it necessary and advisable to change the regular meeting night for the Town Council,

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Malabar, Florida, that the regular meeting of the Town Council shall be the first and third Monday of each month at [✓] 8 P. M. in the Town Hall at Malabar, Florida.

This resolution was passed and adopted at a regular meeting of the Town Council of the Town of Malabar, Florida, on the 1st day of December, 1969.

TOWN OF MALABAR

James A. Gyerley

Chairman of Town Council

APPROVED:

S. B. Brown

Mayor

RESOLUTION NO. 2-64

*Repeated
5/5/97
Reso 5-97*

WHEREAS, the Town Council of the Town of Malabar, Florida, deems it necessary and advisable to designate a regular meeting night for the Town Council.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Malabar, Florida, that the regular meeting night for its Town Council shall be the second and fourth Monday of each month, at 8:00 P.M. in the Community Building at Malabar, Florida.

This resolution was passed and adopted at a regular meeting of the Town Council of the Town of Malabar, Florida, on the 18th day of February, 1964.

TOWN OF MALABAR

APPROVED:

Don A. Marshall
Chairman-Town Council

James Shillett
Mayor Councilman

S. B. Brown
Councilwoman Mayor

Melba C. Marshall
Councilman

Andrew P. DeCaw
Councilman

Councilman

Attest:

Barbara Drake
Town Clerk